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REDWATER MANAGEMENT FRAMEWORK PLAN

ANALYSIS OF ORAL AND WRITTEN COMMENTS

March 1980



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ANALYSIS OF COMMENTS
AND FINAL DECISION
CONCERNING THE REDWATER
MANAGEMENT FRAMEWORK PLAN

MARCH 1980

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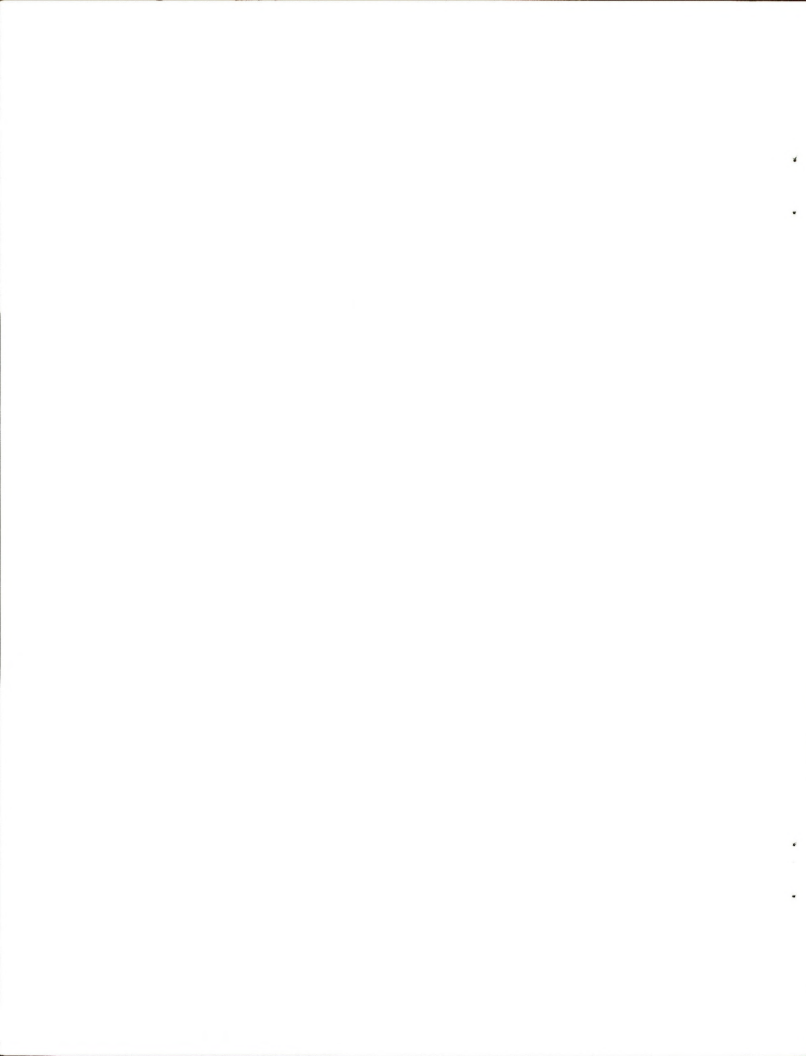


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ANALYSIS OF THE ORAL AND WRITTEN COMMENTS
ON THE REDWATER MANAGEMENT FRAMEWORK PLAN

The Redwater Management Framework Plan is the Bureau of Land Management's (BLM) land use plan for public resources in the Redwater planning area of eastern Montana. The Redwater Management Framework Plan (MFP) was approved at the BLM district level on September 5, 1979, and the State Office level September 17, 1979. Approximately 950 copies of the MFP Summary were distributed in October, along with an invitation to offer written or oral testimony at a public hearing. The hearing was held November 15, 1979, at the Dawson County Courthouse Community Room in Glendive, Montana. The stated purpose of the hearing was to take testimony relevant to the adverse effects of the decisions set forth in the Redwater and Golden Valley (North Dakota) MFPs. The public was also notified of an extended written comment period.

Analysis of the comments received indicates the majority are concerns about and opinions on the propriety of surface coal mining rather than on the adverse impacts of the Management Framework Plan decisions and are therefore not within the strict purpose of the hearing. The District has, however, assumed that all comments are made in good faith and has attempted to respond accordingly.

As stated by the hearings officer at the 15 November 1979 hearing at Glendive, Montana, the Miles City, Montana, and Dickinson, North Dakota, Bureau of Land Management District Offices were to analyze the oral and written comments on the Redwater and Golden Valley Management Framework Plans, prepare a written record of the analysis and make it available to the hearing attendees and interested persons.

The hearing transcript (copy attached) covers the verbal testimony of 12 individuals; however, this analysis also covers numerous written comments that were either presented at the hearing or mailed to the BLM Miles City District Office. This analysis is limited to the comments and testimony on the Redwater MFP. The Golden Valley MFP comments and corresponding BLM Dickinson District Office analysis has been prepared simultaneously, but as a separate report. The two districts have worked together in both development of the plans and analysis of public comments.

Since there is a high degree of overlap between testimony and various written comments, the comments and BLM response have been compiled into topical groups in this synopsis. There are also point-by-point responses to the verbal testimony and letters in a detailed analysis reproduced in the "standard" reduced comments/response format.

A. The Planning Process and the Federal Coal Management Program

Approximately 25 percent of the comments centered on the BLM's planning process and the Federal Coal Management Program and the interrelationship of the two. A further analysis of this issue surfaced three major areas of concern: (1) the BLM should have developed a total land use plan covering all resources and ownership; (2) the Redwater Management Framework Plan was not developed under the multiple-use concept; and (3) there exists, in some cases, a misunderstanding of the BLM planning process and Federal Coal Management Program in relation to their operation, objectives and goals. Therefore, prior

to answering these specific questions in the hearings record, it would be advantageous to clarify any misunderstandings concerning the Bureau's planning system and the Federal Coal Management Program.

Concerning the issue of developing a total land use plan on all resources and ownerships, it is important to note that the BLM planning system (RMP process included) is designed to plan for the management of only the federally owned resources under BLM jurisdiction. The BLM has no authority (nor should it have) to plan for private resources. The property rights of qualified surface owners over any federal mineral estate are protected by Section 714 of the Surface Mining Control and Reclamation Act of 1977. Under this legislation, a qualified surface owner, after completion of the plan, may file a written refusal to consent to leasing which can result in his surface not being considered further during the life of the land use plan. Although the BLM lacks authority for planning on private surface, the BLM does have the responsibility to assess the impacts of proposed BLM actions on non-BLM resources, including the social and economic impacts.

Concerning the issue that the Redwater MFP was not done under the multiple-use concept, it must be stressed that "multiple use" does not mean every use on every acre. It is the multiple use of all BLM lands and resources over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions. This concept means that there may be specific areas where only a single use can occur and specific areas where varying combinations can be allowed. The overall goal of multiple use is to get as many uses as possible out of every acre of land; however, because of the nature of many resources, such as coal, and the public need for them, many uses are not always achievable on the same acre of land in the same time frame. In the Redwater planning area, there is a considerable split estate ownership pattern where the only resource that BLM is authorized to administer is the federally reserved coal or oil and gas. In this region, BLM administers only 4 percent of the surface lands, but 49.3 percent of the subsurface estate. Therefore, the plan is heavily oriented toward the minerals (coal) resource reflecting the on-the-ground ownership pattern(s). The planning decision for the federally owned coal resource is the identification of areas acceptable for further consideration for leasing. These areas are the result of three principal steps:

- 1) Delineation of high and moderate potential coal areas.
- 2) Application of the unsuitability criteria.
- 3) Analysis of surface owner views.

In regard to the apparent misunderstanding concerning the BLM planning process and the Federal Coal Management Program, a brief description of the overall process was described in the "Introduction," pp. 1-6, and in "Actions After the MFP," pp. 140-142, of the Redwater MFP Summary dated September 1979. Familiarity with the process is important in understanding the Redwater Management Framework Plan and in assessing the comments and responses.

An additional explanation entitled "Overview---Federal Coal Management Program" is appended to this analysis.

B. Public Involvement

Approximately 13 comments were related to some aspect of public involvement in a review of the MFP. A number of oral and written comments reflected a public perception that the District failed to listen to public input throughout the planning effort. Several members of the public have repeatedly expressed dissatisfaction with certain aspects of the coal portion of the decision-making process. The coal planning process is, however, relatively rigid and nondiscretionary. Therefore, although the comments were heard, the discretion is not available to change the process, the schedule or the sequence of the decisions on coal leasing for particular areas. As an example, the December 1978 draft unsuitability criteria included "prime farmlands" and "reclamation potential." The final coal regulations dropped these criteria because the Secretary of the Interior felt they could not be adequately addressed during land use planning. These values will be addressed during activity planning. There were also some misunderstandings or misconceptions concerning the final regulations for planning (43 CFR 1601) which did not apply to the Redwater MFP.

Two comments were concerned with an oversight in our mailing list which resulted in no Redwater Summary being mailed to the Region 6 (Glasgow) State Fish, Wildlife and Parks Department Office. However, copies were sent to Region 7 (Miles City) and the Helena FW&P Departmental Office.

Two comments were concerned with county government access to or involvement in the plan decisions. County and state agencies were kept informed of the plan's progress and their involvement opportunities. BLM will continue to coordinate planning with county/state entities and develop plans consistent with approved plans, programs and policies whenever feasible under federal law.

There were several comments concerning the adequacy of public meeting announcements, the BLM's summary report interpretation of these meetings, the use of public comments and the quality of public review documents.

There were significant District Office problems in attempting to reproduce an exceptionally long (3000 page) URA-PAA-MFP and (250) related (3 by 4 foot) overlays. The Redwater MFP information brochure did not include maps, but was not intended to be a complete review document. Our primary method of public review was a series of meetings at which the URA-PAA-MFP documents and overlays were available for inspection and discussion with staff specialists. The September 1979 summary document meets or exceeds applicable Bureau standards.

The overall problem of public involvement is a mixture of a complex process, a lengthy and detailed decision document, differences of opinion or interpretation, limited applicability (in this case) of planning regulations, and dissatisfaction with the final decision. Some of the problems can be and will be overcome in future land use, environmental assessment and activity planning processes.

C. Agriculture and Social-Economic Impacts and Considerations

Approximately eleven comments were related to the use or nonuse of agricultural data and the potential of agriculture as a multiple-use trade-off. Almost every comment was concerned with the land use planning process (and its lack of agricultural consideration) versus the coal activity planning and environmental assessment process.

The real value of agricultural lands is their productive capability. Although the BLM does not "single out" agriculture as a "resource activity" (comparable to lands, minerals, range, timber, etc.), the components of productivity, existing vegetation, soils, hydrology and wildlife values are assessed. Since the Surface Mining Control and Reclamation Act requires reclamation to a comparable level of productivity, it is assumed that no tract or area will be leased if it cannot be reclaimed. The coal regulations have deferred the determination of reclaimability to activity planning. This creates a great deal of public concern based on a procedural process. Individuals would like reclamation of agricultural land assessed in the land use plan.

The agricultural resource is not ignored in the plan. Agricultural land uses are identified in the "lands" portion of the planning documents as an "existing use." Agriculture is also discussed as an economic sector. The Unit Resource Analysis included information on crop species, average yields and production values. Estimates are made of the agricultural sector's significance to the local economy, including the number of people employed.

A number of comments asked for an analysis of the specific impacts of mining on agriculture. This level of analysis will be done in tract specific analysis and the regional environmental assessment stages of activity planning. The Regional Coal Team will establish criteria for tract delineation, ranking and selection. Agricultural values and reclaimability will be considered along with social, economic, technical and other factors. It is assumed that only those lands that can be reclaimed to the required level of productivity (i.e., the sustained yield concept) will be leased and mined.

Social and economic factor analysis was recommended as a land use plan element. It is closely related to the agriculture issue and, in a similar manner, cannot be adequately assessed until there is some idea of how much coal is to be mined, in what areas, at what rate, for what end use, etc. The social-economic impacts of degraded air and water quality will also be assessed in the coal activity planning/environmental assessment stage.

D. Unsuitability Criteria Applications, Reclaimability and Data Adequacy

About a dozen comments dealt with the application of unsuitability criteria to areas of high and moderate coal development potential. A major focus was the adequacy of wildlife data and questions of the timing and conduct of inventories to cover data gaps. Comments also concerned criteria application to municipal watershed, floodplains, and alluvial valley floors. One comment was a request for the application of exceptions to buffer zone criteria.

BLM has authority to apply unsuitability criteria only to areas of high or moderate potential federal coal, which does leave data or criteria application gaps where private coal is intermingled.

Gaps in data necessary to apply unsuitability criteria may be filled at various points in the process leading up to leasing or mine plan approval. Any areas where this is not done cannot be considered for leasing prior to data acquisition.

Comments requesting the application of unsuitability criteria to municipal watersheds cannot be applicable as there are no municipal watersheds officially designated in the area.

The exceptions to buffer zones (criteria 2 and 3) will not be applied at this time because such application would depend upon direct negotiations between a prospective developer and the local government or property owner.

Three comments were concerned with land reclaimability. The contention is that the coal areas in question cannot be reclaimed. If, on the basis of the best available scientific information and applicable local experience, it appears that a proposed coal mine area cannot be returned to conditions which meet the legal minimum for reclamation, it will not be mined. Such reclamation may not satisfy the standards desired by all individuals. However, reclamation should not be confused with past mining effects where little or no effort was expended on reclamation.

Potential adverse impacts addressed in testimony included the identification of two grouse leks and the concern of one individual that his hay fields downstream from a KRCRA would be damaged by mining. Another individual described problems she has had with a core driller not living up to an agreement.

The wildlife data will be field checked and the effect of mining on the hay fields is noted for site specific intensive investigation if the coal area in question advances to the point of being proposed for leasing. In regard to the core drilling problem, this is not a function under BLM control and the state agency concerned has been alerted.

E. Alternative Energy Sources

Two comments received at the hearing (Nos. 20 and 29) suggest the use of alternate energy sources rather than mining coal. The mix of energy sources to be pursued by this country is a policy matter to be determined by Congress and the President. A discussion of the policy and the likely resource mix is included in the Final Environmental Statement on the Federal Coal Management Program (Chapter 2).

The Management Framework Plan is not a decision to lease federal coal. Rather it identifies, through the use of unsuitability criteria and surface owner consultation, specific areas which will not be considered for leasing. The remaining coal areas which are acceptable for further consideration for coal leasing provide a pool from which coal leasing tracts may be selected by regional coal teams, when and if federal policy dictates that additional leasing is needed.

F. Surface Owner Consultation

This program element created approximately 23 written or oral comments. There were numerous comments on the actual use of negative surface owner views in the decision process. These negative views were illustrated and recognized in the plan, but were not used to eliminate any areas at this time. There were some coal "areas" with relatively high percentages of negative views but every "area" had some portions which could form logical mining units, if needed. In all probability, all or significant portions of several "areas" will be dropped from further consideration as a result of either surface owner

refusals to consent or lack of industry interest during activity planning. This probable elimination of areas was discussed on page 5-A of the Redwater Summary.

A small number of comments concerned minor errors, inconsistencies, or omissions. The "apparent" arithmetic errors are explained under the itemized responses. One owner's response was apparently lost in the mail and one "unqualified" owner was inadvertently counted as "qualified" (and in favor of leasing). The use of buffer zones in the consultation process and their influence on statistics is explained. A few parcels of deeded private coal were inadvertently included in consultation letters but dropped from the analysis, and thus, did not affect federal coal statistics.

A number of comments focused on the mailing of "courtesy" consultation letters to known unqualified owners. This practice, and our nonuse of the responses is explained.

Refusal to consent to leasing and preexisting surface owner consents to lease were of some interest. Owners who attempted to file refusals to consent to leasing during the MFP hearing were informed of the regulatory requirements that they be filed later, during activity planning.

In conclusion, a number of minor errors have been noted and corrected; a number of people are unsatisfied with our use of surface owner views, and many owners will have to await the filing of refusals to consent to "withdraw" their lands from consideration. The plan decisions regarding the use of surface owner views are appropriate, under existing guidance, and have been reapproved as corrected.

After completion of this land use plan, activity planning and an environmental impact assessment follow. Since a coal resource for further consideration has been established, development of regional production goals and leasing targets and environmental assessment may be applied. Public participation is a component of this process at several key points.

The establishment of regional coal teams for both the Powder River and the Fort Union Coal Regions will provide advice to the Secretary of Interior through the activity planning and site specific environmental assessment. State representation on these teams insures that concerns of citizens as mirrored through state government are brought forward. Direct public involvement in the process is provided through further hearings, discussions and written comments.

During each step of activity planning, development of regional production goals and leasing targets and environmental impact assessment, affected federal, state and local agencies, and other interested persons are invited to participate in the process. The scoping and identification of issues and, finally, the regional tract ranking steps will include publication in the Federal Register. In the final step, preparation of a draft environmental impact statement (EIS), public meetings will be held in the region to obtain comments to be incorporated in the final EIS.

CONCLUSIONS

Based on a careful analysis of the testimony and written comments, I have determined that only minor corrections were necessary in the MFP. Therefore, I have approved the plan as corrected. Hopefully, this analysis and detailed response will help to explain many of the procedural and technical aspects of the Redwater MFP.

Approved 

George Neuberger
District Manager
Miles City District

STATE DIRECTOR COMMENTS

I have reviewed the public testimony and written comments together with the point-by-point responses and overview. I am aware of the many legitimate concerns about agricultural impacts, social-economic considerations, reclaimability and data adequacy and will attempt to insure that these issues are adequately addressed in the Fort Union Regional Coal EIS.

Concurred by 

Michael J. Penfold
State Director
Montana

Overview--Federal Coal Management Program

On June 1, 1979, Interior Secretary Cecil D. Andrus established a new program directed at the improved management of federally-owned coal. Andrus' decision was based on several alternative program structures in the coal management program final environmental impact statement released in April 1979. The Secretary's new program is similar to the "preferred program" in the environmental statement. The program, established after two years of intensive study by the Department of the Interior, will allow resumption of large-scale competitive leasing of Federal coal for the first time since an informal moratorium was imposed in 1971. The Secretary's decisions were published in the "Secretarial Issue Document-Federal Coal Management Program," May 1979. This document describes both the conceptual and procedural elements of the program.

In the Secretary's own words, "This program responds to President Carter's directive that we provide a rightful place for Federal coal in the nation's energy future. The goal of the program is to allow for progressive development of our vast Federal coal reserves in ways acceptable for state and local government, the coal industry, environmental groups, ranchers and the public to help determine policies on coal development, land use, and land reclamation."

As shown in the attached chart, the major elements of the competitive coal leasing system are land use planning, setting regional leasing targets, coal activity planning, and coal lease sale scheduling. While much attention has naturally focused on the leasing system, Andrus' decision also set out several new directions for the management of existing leases and other functions needed to ensure sound disposal of Federal coal.

The Bureau of Land Management administers the leasing of all federally owned coal. Some of this coal is under BLM-administered surface (both public domain and acquired lands), but many billions of tons of coal (and other mineral rights) are not. They were reserved by the Federal government when the surface was patented for agricultural purposes. In some areas Federal coal underlies surface managed by the USDA Forest Service. Several other Bureaus and offices within the Department activity is guided by the Office of Coal Leasing, Planning and Coordination.

I. Land Use Planning

On the public lands and on private surface underlain by Federal coal, the Bureau's land use planning system will be used to identify areas that are acceptable for further consideration for coal leasing. These areas would be identified after analyzing all lands in a planning area as follows:

1. Identify the high and moderate potential coal areas using geologic and economic criteria established by the USGS. Eliminate those areas that do not have high or moderate coal potential.
2. Apply the unsuitability criteria to the identified coal areas. Eliminate from consideration those areas assessed as unsuitable.
3. Eliminate from consideration those areas having unique, site-specific resource values clearly superior to coal.
4. Additional coal areas where the Federal government owns the coal and the surface is owned by qualified ranchers or farmers, may be eliminated if consultation with those surface owners shows a significant preference against surface mining of the area.

These screens are expected to eliminate only a fraction of the Federal coal lands, leaving billions of tons of high quality coal available to choose from in order to meet production needs.

II. Regional Leasing Targets

Regional leasing targets will be based on the Department of Energy production goals with advice from State and local governments, the coal and utility industries, and the public. Reassessment of targets every two years is intended to permit modification of leasing activity in response to change in the projected demand for coal.

The final regional leasing targets will be approved by the Secretary. These targets will be used during activity planning to assure that an adequate number of tracts are made available to meet the targeted production level while avoiding spending money for unneeded tracts.

III. Activity Planning

Coal activity planning is a three step process that follows comprehensive land use planning. The major elements are: tract delineation, tract ranking and selection, and the Regional Coal Lease Sale Environmental Statement.

1. Potential lease tracts will be delineated from the acceptable areas identified in the land use plan. The basis for delineating the tracts will be (a) industry expressions of interest, (b) coal quantity and quality data, (c) conservation considerations, (d) surface ownership, and (4) preliminary regional leasing targets.
2. Tract profiles including environmental, social and economic impacts of mining each tract will be prepared and the tracts will be ranked for possible leasing consideration.

LAND USE PLANNING:

- a) Identify Coal Lands
- b) Unsuitability Findings
- c) Resource Tradeoffs
- d) Surface Owner Consultation



MANAGEMENT OF:

- a) Existing Leases
- b) PRLAs
- c) Emergency Leases
- d) Exploration Licenses
- e) Exchanges

ACTIVITY PLANNING:

- a) Preliminary Tract Identification
- b) Tract Ranking & Proposed Tract Selection Scheduling within Regions
- c) Regional Sale EISs

REGIONAL PRODUCTION GOALS AND LEASING TARGETS



SALES:

- a) Decision by Secretary on Selection and Scheduling of Tracts for Sale
- b) Notice of Sale
- c) Lease Sale

3. Those tracts needed to meet the established regional leasing targets will be included in a regional coal lease schedule. The cumulative impacts of leasing the tracts or alternative tracts will be included in a Regional Environmental Impact Statement. Federal/State regional coal team consisting of representatives of each State governor and BLM, have been established to conduct and review the tract delineation and analysis process. They will also conduct the tract ranking and selection process and set the regional lease sale schedule. They will then recommend the final leasing target and lease sale schedule to the Secretary of the Interior.

This entire process will be initiated every 2 to 4 years by BLM's Director in response to regional leasing targets which suggest a need for additional leasing.

IV. Coal Lease Sales

From the time a tract is scheduled for sale at the conclusion of activity planning until the sale is held and the lease is signed, a series of actions must be completed to satisfy the various statutory and administrative requirements. These include:

1. Confirmation of qualified surface owner consent, if applicable.
2. Environmental analysis and preparation of special lease stipulations.
3. Determination of fair market value for the tract, the minimum price the government will accept.
4. Determination of sale and bidding methods.
5. Consultation with governors and DOE.
6. Publication of sale notice including estimate of maximum economic recovery.
7. Department of Justice Review of proposed sale and high bidder.

V. Management of Existing Leases

Existing leases and outstanding preference right lease applications require constant management attention for such actions as readjustments, diligent development, assignments, permit review, etc. The Secretary has stated that the Department will process all the outstanding PRLA's. In addition, the Department must respond to lease applications for emergency relief and for leases outside of major coal regions.

ORIGINAL

BEFORE THE
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

In the Matter of: } TRANSCRIPT OF
NFP HEARINGS. } PROCEEDINGS

Thursday, November 15, 1979
7:30 p.m.
Saville County Courthouse
Community Room
Glendive, Montana

APPEARANCES:

EUGENE H. NEWELL

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PROCEEDINGS

MR. NEWELL: It's 7:30. I would like to have the hearing come to order. I am going to have to apologize for a lack of seating. I am sure those that made the arrangements didn't anticipate the turnout that we have tonight, but it's certainly gratifying to see so many people are interested in the subject at hand.

The Bureau of Land Management recently completed management framework plans for the Redwater Planning Unit and the Golden Valley Planning Area in North Dakota, the Redwater Planning Area being in Montana.

VOICE: Could you speak up, please? Could you speak up, please? We can't hear you back here.

MR. NEWELL: You bet.

Summary documents of these two plans were distributed to the public in mid-October. Those summary documents contained the Bureau of Land Management land-use decisions for the two planning areas, and the documents were distributed as a part of an ongoing public participation process.

During the planning process several people requested an opportunity to offer testimony on the effects of portions of the plans. Therefore, we have scheduled this hearing.

I am Gene Newell. I am on the state director's staff of the Bureau of Land Management in Billings, Montana. I will be conducting this hearing. I have a reporter here at

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the front who will be recording the proceedings. I am going to ask that those that make oral statements come to the front so that the reporter will be able to record the oral testimony.

Testimony will be accepted relevant to the adverse effects of the decisions set forth in the two documents, that being the Redwater and Golden Valley management framework plans.

This hearing is being offered in accordance with coal management regulations which were published in the Federal Regulations on July 19, 1979.

As I stated previously, the purpose of this hearing is to receive oral and written testimony relevant to the Redwater and Golden Valley management framework plans. Testimony as to any other issues will not be considered.

I would also like to remind you at this time, if you not have already done so, to register by filling out a card indicating whether or not you wish to make an oral testimony. I have quite a number of cards here already indicating a desire to make oral testimony. It may be that due to the large number of cards we may have to limit the length of the testimony. I would ask that those of you that do have oral testimony--statements to make that if they are lengthy that you make an attempt to summarize them if you possibly can and give the others a chance to present their statements.

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1 At the close of the comment period, which will be
2 through November 30th, the statements received will be analyzed
3 by our two offices, one in Dickinson and one in Miles City.
4 This date is different than the one that's received in the
5 Notice that was in the paper because of the delay in having
6 the publications out, the comment period for written statements
7 will be extended through November 30th.

8 The written record of the analysis that will be made
9 of the oral statements and the written statements as well as
10 the transcripts of the hearing will be prepared and will be
11 made available for inspection at our two district offices.

12 If you wish to purchase copies of the transcript of
13 this hearing, please leave your name and address with Mr.
14 Rauch here, our reporter. Arrangements as for copies will be
15 made directly between you and the reporter.

16 A copy of the hearing record and the analysis made
17 by our district offices will be made available to each county
18 involved in the planning areas upon request by the county
19 commissioners of those counties.

20 The analysis of the testimony, both oral and written,
21 will be used to determine what changes, if any, will be made
22 in the framework plan decisions. If no changes are deemed
23 necessary, the decisions will become effective thirty days
24 after the close of the comment period, and, as I mentioned
25 before, the comment period will close November 30th. That

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1 means it will run through the 30th.

2 If the analysis made by the district managers and
3 concurred in by the state director requires a change in the
4 decisions as presented in the framework plans, a supplement
5 to the basic documents will be prepared and it will be
6 printed. Distribution of the supplement will then be made to
7 those persons registered at the hearings and others that
8 express an interest in receipt of the document. Anyone else
9 that desires a copy can make a request through our district
10 office.

11 Now, before we proceed further I would like to see if
12 there are any questions regarding the procedures that we are
13 going to follow tonight.

14 I will go through the cards, and I have made no
15 arrangement as to name, and I have taken them as they have
16 been handed to me, and I will call upon these as they appear
17 that wish to make an oral statement. I would ask again that
18 you come up here and give your statement here so it can be
19 recorded.

20 The first card I have indicating both a written and
21 oral statement is John Brown of Circle, Montana.

22 John.

23 MR. BROWN: I would like to submit my written state-
24 ment at a later time.

25 My name is John Brown, and I am a farmer north of

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7
1 Circle representing Windborn Farm, and I want to first thank
2 the BLM for the opportunity to comment on your plans for the
3 public coal under private surface and to correct an error we
4 of Windborn made in not responding to your consultation letter.
5 You can now eliminate the West Half of Section 26, T-29N-ship
6 21 in Range 48 for consideration of leasing public coal under
7 this surface.

8 Second I will respond to the Redwater NFP and the
9 process by which it was produced as I see it.

10 In determining the procedure the Miles City and
11 other BLM offices were to take the Federal Land Policy and
12 Management Act of 1976 was passed, which directs you, the BLM,
13 to do an RMP to--resource management plan to inventory the
14 variety of resources available on the surface over public coal
15 as well as the coal and the use--and use this RMP to determine
16 the best possible multiple use of these resources on a sustained-
17 yield basis. I realize how late the rules for the FLMPA were
18 in coming, but it shouldn't be too hard to understand sustained
19 yield and multiple use.

20 That must have been what happened, however, because
21 we have a one-time harvest coal leasing program here in the
22 management framework plan in which the--in which the BLM
23 ignored significant surface-owner input, so I would like to
24 identify a few issues when and if you go back and do a job as
25 directed by the FLMPA regulations.

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1 I realize the proposed synfuels program puts you
2 under pressure to make as much coal as possible available to
3 this program, but I think it is not necessary and, in fact,
4 is counter-productive. It promotes the continued squandering
5 of energy and natural and social resources to the economic
6 benefit of multi-national corporations while putting us, the
7 producing and consuming public, in a deepening dependency on an
8 unproven and non-renewable technology.

9 Since you say in the NFP that this coal is not of
10 quality suitable for shipping to use centers and since there
11 are ten counties in Montana it has been determined which have
12 significant natural resources to support synfuels plants, as
13 many as thirty-six, have then fueled by nine billion tons of
14 coal, the impact on us, our society, our health, agricultural
15 lives, under the plume would be devastating. I think acid
16 drainage, trace elements, water pollution and consumption,
17 unproven reclamation and other problems would reduce both
18 quantity and quality of our output to beyond bankruptcy.

19 It probably doesn't bother you much that our farm
20 may fall under and I guess I could live with that, too, if it
21 happens, but as a steward of the land I will share with you
22 one aspect of this massive coal exploitation for which I will
23 not idly stand by.

24 I was looking up the context of coal in the Federal
25 Coal Management Program EIS and came across a letter of comment

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on the Draft EIS by Friends of the Earth. They did some calculations under emissions of trace elements using the information on Page 534 of the Draft. This is emission with best control technology for coal burning.

Now, I agree that the synfuels program may emit different quantities, but there are still the same elements to be dealt with one way or another.

Here are the trace elements listed in this Draft EIS--antimony, arsenic, barium, beryllium, boron, cadmium, chlorine, chromium, cobalt, copper, fluorine, lead, manganese, mercury, nickel, selenium, tellurium, thallium, tin, titanium, vanadium, zinc.

The Friends of the Earth took the figures given for these elements and converted them to amounts emitted in burning one million tons of western coal. It came to 1,377.8 tons of trace elements or thirteen thousandths of a--of a percent.

Now, let's convert that to this Redwater management framework plan coal acceptable for further consideration for coal leasing and assume the worst--that it will all be used.

The Circle KRCRA has nineteen thousand eight hundred or 1984 million tons of coal. Take that times 1377 tons of trace elements per million tons burned, and you get 2,733,000 tons of trace elements emitted.

Burns Creek-Thirties-Mile Creek with 1918 million tons would have 2,642,000 tons emitted.

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Southwest Glendide KRCRA with 588 million tons would have 810,000 tons emitted.

Without KRCRA with 748 million tons would have a million thirty thousand tons emitted, and the Sidney KRCRA with 631 million tons would have 869,000 tons emitted--for a total in our area of 8,086,000 tons of trace elements filtering down on us over the life of the coal fields, and this doesn't consider what's taken out by the pollution control equipment that still has to be dealt with one way or another.

Other trace elements emitted but not listed under the Draft EIS are aluminum, bromine, bismuth, calcium, cerium, cesium, gallium, germanium, iodine, iron, lanthanum, lithium, magnesium, molybdenum, phosphorus, potassium, rubidium, silicon, sodium, strontium, tungsten, uranium and others. These elements are exactly that. They do not biodegrade and their toxicity can only be prevented by containment, and how do we do that? Talk about a national security issue. This stuff would be going into the food of our nation and our world as well as its air and its water. I personally would rather eat in the dark than starve in an air-conditioned Cadillac on the way to my penthouse if the choice had to be made, but I don't think that these are the only choices.

With proper consideration by BLM and the rest of us we can still enjoy good food and good life. We must consider the renewable resources and first in this is conservation and

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its effect on the energy use of liquid fuels, electricity, heat, cooling and industrial uses. Some utility companies have concluded that conservation creates more jobs, saves more energy and allows them to stay afloat in a sea of grass-roots uprising.

The liquid fuel industry must follow suit. With conservation the values of the private surface over public coal as a renewable agriculture has great potential in producing with existing technology significant quantities of ethanol. Think of this before plans are made to rip and strip.

Wind power technology is now available with two-megawatt plants at the cost of \$360 per installed kilowatt capacity.

I don't see any BLM folks monitoring this renewable resource.

Our presently clear skies provide much potential with existing technology for substantial solar heating. Synfuels from city sewage sounds good to me, too, as does tidal power and mass transit.

The value of the coal where it is as an aquifer and source of valuable chemicals for generations and generations has to be looked into. All of these issues and more must be considered morally, socially, environmentally and economically before this massive assault on our life support system is launched by implementation of synfuels programs fueled by the

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coal managed by Burlington Northern--Burlington Northern--Bureau of Land Management.

I would like to thank you for your time and may our resource management plan permit our great grandchildren to eat heartily from this land.

Thank you.

MR. NEWELL: Thank you, John.

Charles Yarger, Circle, Montana.

MR. YARGER: My name is Charlie Yarger. I am a farmer from Circle, Montana. I am testifying on behalf of myself tonight.

When a government agency, whose primary responsibility is that of a land manager, decides to come into an area and develop a land-use plan for an area where they own thirty-nine percent of the minerals and four percent of the surface, it would seem that certain sound planning principles would be met.

From the outset of the Redwater NFP the BLM should have made a conscious attempt to involve citizens and landowners in the planning process. People in the community, county commissioners, private citizens and landowners should have been personally contacted and made aware of the BLM's intentions, and this was never done.

On several separate occasions we contacted the BLM in person, by letter and by telephone. Those of us concerned

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about the potential development in McOne County made it very plain to the BLM from the outset that we were ready to talk. Before any research, field work or studies were conducted we illustrated to the BLM that we were willing and able to help then devise an accurate and credible multiple land-use plan. Since we as landowners owned over ninety percent of the surface we figured we had a right to be involved in the decision-making process concerning the ultimate use of the subsurface. We reasoned that we as landowners were at least as qualified as anyone to know what was important to us, which things we wanted studies--which things we wanted studied and what criteria was to be used in determining the future use of our land.

However, all of our efforts were of no avail. From the outset we constantly found ourselves in the position of having to respond to instead of being a part of the BLM planning process.

Although I am disappointed in the entire MFP summary, I am especially disappointed with the way the surface-owner consultation was handled.

It has been our contention from the beginning of this study that if a qualified landowner illustrates his opposition to leasing his land that land should be removed from further consideration by the BLM. In spite of the fact that federal law guarantees qualified landowners the right to say no to leasing, the BLM still refuses to recognize the landowner's

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decisive role. In an area where as much as fifty-eight percent of the landowners were opposed to leasing, the BLM still would not remove these lands from further consideration.

The BLM's refusal to do this placed a tremendous amount of pressure from the coal companies on the landowners who clearly don't want to lease. This is pressure that just shouldn't be there. No should mean no, period.

We have heard, of course, that this will be taken care of later. We have been put off by that tactic too many times for me to believe it now.

The logical question is why wait? The plan states explicitly that surface owner views won't be recognized until after the Department of Energy issues production goals for the Fort Union coal region. This is an ominous signal to those surface owners who are against leasing. Between the lines is a broad hint that surface owners' rights like multiple use and sustained yield will take a back seat to those production goals.

The fact remains that the BLM is making plans and recommendations for land they don't even own and in many cases against the will of those of us who do own it.

Not only is the BLM's failure to recognize qualified surface owners' views a major flaw in this plan but also the aliphed method in which the surface-owner survey was conducted. Surface owners in the Redwater represented a trial run by the

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Department of the Interior for this entire process of surface-owner consultation. That does not in and of itself discredit the consultation, but the haste with which it was conducted does seriously degrade the validity and significance of this survey.

The research to determine qualified surface owners was practically non-existent. Consequently, coal companies that clearly do not qualify were surveyed and their predictable answers are tallied in with those qualified surface owners who favored leasing. Examination of the files in the district office show that some qualified surface owners who replied to the survey were not recorded. I know that all too well, because we are among them, as are some of our neighbors.

The figures on the surface-owners survey--survey show significant discrepancies and inconsistencies. For instance, the total acreage of high to moderate potential coal for each coal resource area, NECBRA, from which the percentages of these for and against were derived, are different in the summary than those found in the actual management framework plan. This is baffling and raises the obvious question of why. Is it simply that the BLM can't add, although it had the data for at least eight months, or has some other variable been thrown into the equation? Which figure is correct? Will the BLM now tell us that our views cannot be considered significant because they failed miserably in carrying out the

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survey? Many surface owners did not respond at all to the survey. This may have been drastically different had these people been informed that the failure to respond for all practical purposes puts them in a category with those in favor of leasing.

We were told several times that the Bureau would hold meetings for affected surface owners to explain the purpose and significance of the consultation. This would have been a practical and sound planning approach, but those meetings were just never held. Instead out of the blue people who have never even heard of the Federal Coal Program received these lectures. I suspect that many--many of them filed them in a round file as another example of federal bureaucrats moving into their private affairs.

In concluding, it is important to note that the Redwater management framework plan is the child of the old Federal Coal Leasing Program, one had--which has been thrown out in federal courts and formally discarded by the current administration. It is fundamentally a resource plan with a single objective. The resource is coal and the objective is to lease. It strays so far from the principle of multiple use and sustained yield that it cannot be redressed. The only way to meet those requirements is to begin anew and prepare a resource management plan in compliance with federal land-use planning regulations. Most of the inventory and data can still

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be used. If local people had been listened to at the outset, this step would not be necessary. The decisions made and the subsequent actions taken in the name of this management framework plan would have an irreparable effect on the people, the land and our ability to continue making a living in agriculture. There is no way that we can accept this land-use plan for a future that writes us off.

Thank you very much.

MR. NEWELL: Thank you, Charlie.

Donald Moffett, Fallon, Montana.

MR. MOFFETT: I am Don Moffett from Fallon, Montana, and I live in the southeast-southwest Glendive area, and I would just like to take exception to a few of the statements in this book.

This is the Redwater planning area management framework summary, and one of the things that bothers me is that it says that, referring to flood plains, and I quote from the Page 39 of the summary, "It has been determined at this time after consultation with the U. S. Geological Survey that specific leasing could be undertaken without substantial threat of loss to people or property and the natural and beneficial values of the flood plains and coal areas downstream."

Now, I have active water rights coming out of some of these areas that are still up for consideration for leasing.

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I am sure that I would be pretty adversely affected if this were all tore up because this drains into my hay fields if you put a big spill bank up there and you get a cloudburst, why, it sure wouldn't do the hay crop any good, or, on the other hand, if they tore it up enough so you didn't have any watershed left for, say, fifteen or twenty years, why, you wouldn't have any water to come to your hay.

That's my first gripe on it, but also they mentioned the municipal watershed. There are no municipal watersheds located in this area. Therefore, no areas are considered here. Almost the entire area drains into the Yellowstone River, which runs through Glendive. Glendive gets their water out of the Yellowstone.

The other thing is on this agricultural lands I feel that the views of the people on that should have been taken first and that along with the negative owner views should have just about put an end to this thing, if they would have considered it the way they should have.

Speaking of negative owner views, sometimes they didn't even want to take no for an answer. We received the packet--I think everybody in the area has received one-by registered mail, and you had the chance to answer either yes or no whether you wanted your land leased. In our case, we didn't. We immediately answered it and sent it back, which was fine. About a week or two later we got another letter ask-

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ing if we wouldn't like to reconsider, because, after all, it wasn't binding. We could always say no later. This made us mad enough to throw it in the garbage, which we did. I wish I had saved the letter, but we didn't. Anyway, I thought that was kind of underhanded to ask us to change our mind after we had stated a definite view.

MR. NEWELL: Thank you, Don.

Leide Hubing--

MR. HUBING: Hubing.

MR. NEWELL: --of Savage.

MR. HUBING: I represent Hatfield and Raudsepp, Incorporated, and Robert Hubing, Incorporated, and Marie and Bobby Jarvis.

I would like to read from this book here. It's on this Burns Creek-Thirteen Mile Creek area. It has all about the acres, and then it comes down to "While the economic importance of these agricultural lands is recognized, none of these lands were excluded from further consideration. The economic and social considerations of surface mining these lands would be thoroughly examined in later stages of the planning. That is coal-activity planning and environmental analyses."

Now, if you pass these things off to the activity-planning stage you get one step closer without first addressing or taking care of the primary and most important surface

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land use, that's agriculture, and the further this process goes on the more interest coal development companies start showing and we will be harassed and annoyed like some of us were this summer.

The Bureau of Mines from Butte, a geologist, contacted several of us earlier in the summer, and they asked permission to core drill on certain lands, and we gave them that temporary permission. They said they would call before they entered, and they said they would furnish us with a log, and they said they would pay us the whole sum of \$50 a hole. Then somewhere along in the summer somebody told us and we told somebody else and this coring outfit came in and nobody knew where it was from, but it turned out to be from Gillette, Wyoming, and they cored these holes, and they took off. They never contacted us. We have never heard another word from them. That gets almost to the shotgun stage sometimes.

Now, we don't plan to ever give consent, our consent, for federal coal leasing on our lands, and we have friends and neighbors who feel the same way.

This document is supposed to be a land-use plan but it seems to pass on all the major decisions to the activity-planning stage, and in my book that's putting the cart before the horse.

MR. NEWELL: Thank you.

Lyle Quick, Circle.

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MR. QUICK: My name is Lyle Quick, and I am a county commissioner in McCone County and will speak on behalf of that board.

I would like to discuss the serious lack of data in the MFP document.

The BLM has completely failed to inventory agricultural resources. In my county, as in the rest of the planning area, agriculture is the backbone of the economy. Yet the BLM has made no effort to analyze the effects of its decisions on agriculture.

I resent the fact that BLM has made planning decisions for eighty-five thousand acres of land in McCone County without the least consideration for the present use. The BLM maintains that the assessment of agricultural values and economic impacts will be done later in the planning process. In fact, not only assessment but the collection of basic inventory data remains to be done.

In the MFP we are told that social--that the social and economic impacts will be assessed in resource activity planning, that threshold levels of development and preferred leasing areas will be developed later, because there is no coal leasing target date yet, that reclamation potential will be assessed later, that the total impact on agriculture cannot be assessed until leasing targets are set, that social impacts on agricultural communities will be assessed later--I got to

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set this thing down. I get to shaking so bad I can't read it--that the economic importance of agriculture is recognized, whatever that means, but that the economic impact will be assessed later.

Finally, we are told that determinations of unsuitability for surface mining in regards to feeding areas for golden eagles, falcon cliff nesting sites, flood plains and alluvial valley floors all require more data and will be made later.

Throughout the planning process farmers and ranchers in McCone County and in other areas covered by this land-use plan have asked that agriculture be considered as a resource. BLM has maintained that agriculture is covered by other resource--resources--soils, watershed, and so on.

Let's take a look at how well the MFP's discussion of these resources covers agriculture.

First, the multiple-use tradeoffs between these resources and minerals are made for the federal surface but not on private surface over federal minerals. Soils, watershed and other resources do not count on about ninety-eight--ninety-nine percent of the agricultural land over stripplable coal in McCone County, but let's look a little further. What kind of data does the BLM have on these resources? The MFP says that an inventory of timber resources on federal surface and private surface over federal coal remain to be done. Soils

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and vegetation inventories are just beginning in the planning area. An inventory is needed to determine areas where the BLM needs to take special steps to prevent--to preserve watersheds. Inventories are needed to identify alluvial valley floors, instream flow needs, flood plains, areas of critical environmental concern and to characterize the water resource for the planning area. This last inventory is being done, according to the MFP, because the BLM is making decisions without adequate knowledge of the water resource. A wildlife inventory for the planning area remains to be done. An inventory on recreation values on public lands remains to be done. Inventory on fossil deposits and cultural resources must be conducted on public surface and on private surface over federal coal. An assessment of reclamation has not been done, but the BLM will not do one because reclamation is no longer a criteria for designating lands unsuitable.

The economic and social structure of this area were considered in a background document prepared as a preliminary step of the land-use plan. A Washington-based consulting firm was contracted for \$47,000 to do a lower Yellowstone area socio-economic analysis. The firm, Centaur Management Consultants, specializes in energy-related assessments, and that bias and orientation are clearly obvious in their report.

One of the primary defects of this analysis was a failure to gather firsthand data on agriculture in this area.

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Much of the agricultural analysis was based on outdated statistics derived from national agricultural statistics. In fact, in at least one instance where Centaur had local data that contradicted national figures it chose to ignore the local and use the national figures.

Also the study neglected to analyze the backward linkage of the agricultural dollar. In other words, it did not assess how much of the agricultural business dollar was spent within the area.

On the other hand, the figures for the percentage of coal industry input requirements such as draglines, explosives, and so on, purchased locally was ridiculously high at seventy-five percent. Such items as chemicals, explosives, fabricated structural materials and machinery were supposed to have been produced and purchased within the local economy.

Social attitude surveys were also very poor. The report entitled "Social Well-Being in the Lower Yellowstone Area" was prepared by the BLM purporting to--purporting to present--let's see, represent the values and opinions of people in this area. A total of nineteen people in Dawson County was interviewed to assess the attitudes of the population of the total of over ten thousand in the county. Other counties sampled were equally small.

It is virtually impossible to arrive at a meaningful result on the basis of such a small sample.

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The BLM then has made the land-use decisions for these planning areas without the basic inventory data on wildlife, recreation, timber, soil, fossils and cultural resources, watersheds, ground water, surface water and others—other water resources, alluvial valley floors, flood plains, vegetation, reclamation potential or agricultural resources. Now can the BLM recommend, decide and plan for the future of over two hundred thousand acres of private land over federal coal without the basic information?

In contrast, let's look at one resource for which the BLM does have data. That is coal. There is enough data, in fact, for the MFP to recommend that 5.8 billion tons of coal be made available for development. The kind of land-use plan which results from this kind of data was predictable. It is a coal management plan, not a multiple-use plan. It completely ignores the major resource in the area. If I made decisions for my county without the facts, I would be kicked out of office, but when the BLM makes a decision for my county without knowing the facts they call it a land-use plan.

With such—with all this data left to collect before coal leasing takes place, it seems to me that the BLM might as well do things right—get the data together—then prepare a resource management plan. Until that is done there is no basis for making land-use-planning decisions in this area.

Thank you.

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MR. NEWELL: By golly, he did real good when he got ahold of that table.

MR. QUICK: You are supposed to have a podium for shaly people.

MR. NEWELL: I don't think you need a podium. You did a real good job.

Tom Breitbach of Circle.

MR. BREITBACH: My name is Tom Breitbach. I have a ranch, farming operation, in McCreary County.

I also own surface estate over federal coal.

Tonight I am presenting comments for myself and for the McCreary Agricultural Protection Organization known as MAPO.

This is an aside. In the summary, you will note that MAPO is directly addressed in some of the later comments.

In July of this year, MAPO commenced on the draft of the Redwater management framework plan. Many of our comments dealt with the BLM's apparent inability to conform with the requirements of the Federal Lands Policy and Management Act, the requirements of planning regulations and the requirements of BLM planning guidelines and instruction memoranda.

As a result of the BLM's problems, we said the Redwater MFP appeared to be a coal management plan instead of a multiple-use plan. We pointed out deficiencies in the public participation process and the lack of consideration of agricultural resources. We cited what seemed to be statements of

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bias towards development of the coal resource.

In the summary of the final MFP, the BLM responded to our criticisms. Citing the mass of memoranda, changing regulations and other complicating circumstances, the BLM said that problems had come up in determining the technical adequacy of planning and in defining agency responsibilities.

MAPO, having had many of the same difficulties, concurs and sympathizes with the BLM, but the problems stemming from those difficulties have not been solved. The finalized land-use plan still appears to be a coal plan. Agriculture is still ignored as a resource, and far-reaching land-use decisions have now been made for hundreds of thousands of acres without adequate information or the proper consideration of multiple-use or sustained-yield planning principles.

The confusion regarding the laws, rules and regulations which governed the preparation of this MFP will not exist in future land-use planning. Clear and final regulations now exist for the Federal Coal Leasing Program and BLM land-use planning. The confusion over land-use planning in the Redwater planning area can be easily eliminated. A resource management plan for the Big Dry Resource Area, which includes the Redwater area, is already under way. Planning for the Big Dry and the Redwater could be combined, eliminating most of the difficulties that the BLM and MAPO have had with this land-use plan.

Let me discuss some of these difficulties in more

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detail.

Public participation has been a catchword but not a reality during the preparation of this MFP. There has been confusion over what is required of MFP summaries. The BLM had difficulty in reproducing maps which would help the public critically review and contribute to planning decisions. Copies of the full MFP have been difficult or impossible to obtain. When, in spite of these difficulties, citizens have made suggestions for better planning they have been ignored.

The BLM solicited comments and suggestions for revisions in the application of unsuitability criteria in the Redwater area. I informed the BLM of the locations of two sharp-tail grouse nesting grounds. They are not included in the McCreary County wildlife map in the MFP summary.

One of the requirements of MFP summary documents, according to BLM regulations, is a map showing changes in the areas acceptable for further consideration for coal leasing made as a result of public comment. There is no such map in this MFP because no changes were made despite extensive public comment.

Repeated requests that the BLM assess agricultural resources, suggestions to improve the multiple-use planning process and countless other suggestions have had no effect on this land-use plan. The BLM has recorded these comments in its public participation summary, but public participation has

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always meant that the BLM explains, justifies or rationalizes planning practices and land-use decisions never change.

BLM land-use planning is required to incorporate the principles of multiple use and sustained yield in accordance with the Federal Lands Policy and Management Act of 1976. This land-use plan does not reflect these principles. The press release announcing this hearing, which ran in all the local papers, said that the BLM would be taking testimony on the Bureau of Land Management coal resource. I believe that this statement must have been inadvertent and that the BLM does still consider multiple use to be important, so I would like to say a few words about multiple use and agriculture.

Nearly all the coal in the BLM's known recoverable coal resource areas underlies private agricultural land. As custodian of the land, the BLM must consider the effects of its decisions for federal subsurface on private surface. The BLM must consider all uses of the land and make an assessment of the best and highest use. It must consider the need to insure a sustained yield on public lands.

It should be obvious with so much split estate land included in the planning area that no assessment of sustained yield and multiple use can be adequate unless the present use, agriculture, is inventoried and analyzed. In fact, this NFP outlines an inventory and analysis for timber resources on private surface over federal coal, but agricultural resources

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over federal coal are ignored in this NFP.

There is a curious double standard in the BLM's treatment of agricultural land over federal coal. Federal surface that is leased for agricultural production is considered unsuitable for surface mining and is eliminated from further consideration during land-use planning, but I am not allowed to remove my private agricultural land from consideration during the land-use planning stage. It comes later.

It should be obvious, too, that conflicts between on-site conversion of coal and agricultural production must be analyzed. How else can the BLM determine the best and highest use of the land? How else can multiple-use-tradeoff decisions be made on an inferred basis?

The central NFP decision in regard to coal is to make available for development the federal coal resources of all deposits with high to moderate potential for development. The NFP notes in passing the acreage of agricultural land which would be, according to the BLM, affected if the coal resource was completely developed. This is as close as the NFP comes to recognizing conflicts between private agricultural surface and federal minerals, but the NFP makes no assessment of how these hundreds of thousands of acres of agricultural land will be affected.

NAFO has requested an inventory and a realistic treatment of agriculture in this land-use plan since the

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beginning of the planning process. Still, the BLM does not recognize any multiple-use conflict between the development of federal coal and private agricultural production. By pretending that agriculture is not a resource, the NFP ignores the obvious conflict between strip mining and agriculture. Because the NFP finds no conflict between strip mining and agriculture, it placidly assumes that strip mining, in every instance, is the highest and best use of the land.

The introduction to the NFP summary says that the NFP will not be a land-use plan for private resources but that an assessment of the impact of BLM's decisions on private resources has been made. If that is true, I have not found such an assessment in the NFP. The impacts of strip mining on agriculture are considered social and economic impacts of the coal program to be assessed later, according to the NFP. In the rush to make coal available for synfuels, agriculture has been ignored in this land-use plan.

I will state NAFO's position again tonight for the record. Agriculture is a resource. Conflicts between strip mining and agriculture exist and should be addressed and resolved in the land-use planning process. The principles of multiple use and sustained yield require an inventory of agricultural resources over federal minerals before planning decisions are made.

This NFP does not consider agriculture as a resource,

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does not adequately address multiple-use conflicts and does not conform to the principles of multiple use and sustained yield. It should not be used as a decision document. We suggest that the Bureau of Land Management begin a resource management plan considering agriculture as a resource. The sooner this is done the sooner the BLM will be able to make planning decisions in this area.

Thank you.

MR. REMELL: Thank you.

Helen Waller.

MS. WALLER: My name is Helen Waller. I am Chairman of the Northern Plains Resource Council and I testify tonight for that group.

My husband, Gordy, and I farm and ranch in McCone County.

At the outset I would like to point out that most of what I have to say tonight is nothing new to the BLM. The Northern Plains Resource Council and its affiliate, the McCone Agricultural Protection Organization and other landowners in the area have kept a close watch on this land-use plan from its very beginning. We have corresponded with the BLM at the district, state and national level many times since June of 1976. I have traveled to Billings on six different occasions to meet with Interior officials for the purpose of pointing out to them the deficiencies in the rapidly progressing

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Redwater management framework plan.

The Federal Lands Policy and Management Act of 1976 clearly mandates a land-use plan based upon the principles of multiple use and sustained yield. This MFP fails to meet these requirements.

I would like to quote from the law the meaning of these two terms, and I quote. "The term 'multiple use' means the management of the public lands and their various resources so that they are utilized in the combination which will best meet the present and future needs of American people, the use of some land for less than all of the resources, a combination of balanced and diverse uses that takes into account the long-term needs of future generations for renewable and non-renewable resources and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

"The term 'sustained yield' means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use," end of quote.

Agriculture is presently the primary resource of this

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area. Because of its importance to the counties involved, to the region and to the nation, these resource values should have been identified and inventoried as early as the Unit Resource Analysis, Step 2, of the planning process and carried forward throughout the various phases of the study.

Here lies the major deficiency of the Redwater MFP. The agricultural resource has been ignored. The Redwater plan is called a coal plan, RLM makes no bones about it, and it is true. This document is a coal plan.

As I see it, the Department of Interior has busied itself grinding out land-use plans, which are required by law, before any lands can qualify as the basis for issuing a coal lease. Meanwhile, the Department of Energy has diligently set out to target certain areas for huge amounts of coal production.

Incidentally, four of the ten Montana counties targeted for synthetic fuels plants lie within this planning unit.

Now, I contend that if the decision has already been made to lease the federal coal, regardless of the conflicts, then to go through the expense and pretense of planning and public participation makes a mockery of the democratic process. If RLM was serious about wanting to systematically plan for the multiple use and sustained yield of this nation's resources then all resources within the planning area would have been

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considered. The RLM cannot prepare a plan responsibly without examining the agricultural resource at the same level at which other land-based resources are examined.

Admittedly, RLM is experiencing tremendous pressure from the Department of Energy to turn out MFP's recommending vast acreages of land for further consideration for coal leasing, but in this planning unit federally-owned surface represents less than four percent of those acres.

My deepest concern, though, is not that my land will be strip mined. I have here a refusal to consent to strip mining, which the Surface Mining and Reclamation Act allows. This will be delivered to the RLM in due time. What I am most concerned about is the fact that if federal coal is recommended for a lease sale, permitting the coal to be strip mined, land will be turned upside down, synfuels plants and gasification plants and power plants will be built, railroads and transmission lines will cross our property, water supplies will be diminished or destroyed and the remainder of our crop land and grassland will be polluted to the point of questionable economic viability.

Scientific studies have shown that vegetative growth can be disrupted by very low concentrations of sulfur dioxide. Wheat is very sensitive to SO₂. It has been reported that an average of .015 parts per million of sulfur dioxide during the growing season can cause up to a fifteen percent reduction in

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wheat grain yield. This concentration of sulfur dioxide is below the maximum allowed by both the federal and the proposed Montana SO₂ standards. How many of us can continue farming or ranching under those conditions? Yet nowhere in the document are these concerns addressed.

Despite the fact that in the Sidney known recoverable coal resource area, where fifty-eight percent of the private land owners over federal coal expressed a preference against coal leasing, the district manager has failed to assess this to be a significant number of surface owners in opposition. Over the entire Redwater area of those who responded to the RLM letter fifty-three percent of that acreage was owned by people opposed to federal leasing. Yet not one single acre was excluded from further consideration to lease. What then I ask would be a significant number?

According to the MFP full development of the five known recoverable coal resource areas would disturb over 570,000 acres of crop and range land. The soils and hydrological data and information necessary to identify obvious problems is entirely lacking for some areas and very inadequate for others. There isn't even a management recommendation to gather this information so that it would become available prior to the lease sale.

Nowhere is there an assessment of reclamation potential of these lands, despite the existence of credible,

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scientifically-conducted research indicating that reclamation may face serious problems in this area and may even be impossible. In fact, successful reclamation has yet to be demonstrated on the northern plains.

So you see a real conflict arises from BLM apathy toward and disregard for landowners who have bought and paid for the surface, developed the farm and ranch operation to its present capability, established communities which we are proud to be a part of, built schools which boast of discipline and honor, while upholding a Constitution which guarantees the right to private property, and now we find an agency of government ignoring that right while allowing, even promoting, the coal resource to be developed to our detriment, regardless of a legitimate but thus far unacknowledged conflict all in the name of planning complete with public participation.

Because of agriculture's unique relationship with the land, which is also in common with the coal resource, we find it incredible that BLM should insist that they are not planning for private surface. This is only a technicality that the Bureau is hiding behind. Neither is it practical nor realistic to divorce the ecosystems on one section of land from that on the neighboring section. By the nature of our profession, we deal with reality, and this can be no exception.

The results of decisions aimed at federal lands and federal minerals could effect death blows to whole farming and

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ranching communities. The very resource upon which the agricultural economy depends is in danger of being traded off in the planning decisions made by the Bureau.

In conclusion, I find it imperative that a full-scale resource management plan be initiated on the Big Dry Resource Area which includes the Redwater planning unit. The admitted lack of data in this MFP substantiates our insistence that a multiple-use MFP be done in conjunction with the grazing studies now under way in the Big Dry area. At this point, we are well equipped to proceed with the first phase--that of identifying issues. It is my belief that your time and our time would be put to a much more productive use if we could begin at once with the preparation of that MFP rather than wasting time substantiating the fact that this MFP does not meet the requirements of FLPMA and certainly does not measure up to the comparability criteria of the Federal Coal Management Program.

It is my opinion that Interior must find the courage and fortitude to perform the assignments mandated by law rather than to be intimidated by coal-lease targets set by the Department of Energy. It is you at the regional office of the Bureau of Land Management who must carry the message from the people in your area through the state office and on to Washington that the administration was wrong to have made the assumption in the Federal Coal Program that federal and non-

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federal coal reserves--this is a quote--federal and non-federal coal reserves would be fully available to meet demand for western coal, unquote, because this is simply not true.

People in the countryside are aware of the fact that we do have a choice of energy sources. We believe that through conservation measures and the development of renewable resources such as wind, solar, ethanol, geothermal and cogeneration there is a much greater potential of solving the energy problem sooner, cheaper and more effectively, while creating more jobs than through massive synthetic fuels programs, and at the same time we are preserving our renewable-resource lands. Many coal-conversion facilities now on the drawing boards will be obsolete by the time they are scheduled to go on line.

If government truly wants cooperation from the people on the land, then the time is overdue when America must return to the concept of government of, by and for the people, so that we can cooperate in the task of solving our energy problem.

Thank you.

MR. NEWELL: Thank you.

I have a name I can't read--Robert Etzel of Savage.

MR. ETZEL: I am Robert Etzel, a farmer and rancher west of Savage, and I strictly am against leasing my land for federal coal--I own the surface rights on a joint effort--because I have lived the last twenty-two years--we have got a

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coal mine on our place now, and there is no way that they can reclaim this land to its original status, because they haven't proved yet, because you lose your water, and you get the continuous blasting going on, you get your thistles and your fireweed on these soil-bank spoils, continuous rolling through the fields all winter long. We have had to put up with that for the last twenty-two years, and there is no way can they reclaim this.

That's all.

MR. NEWELL: Thank you.

Mr. Patterson. Denson.

MR. PATTERSON: Good evening. I didn't come here to make a public speech, I had been washing windows all day, but I would like to ask you people why about so many, many things back through the years.

My folks homesteaded north of Intake about seven miles in 1910. My dad first came to this country in 1907 and 1908 and helped his brother find a homestead and get settled in 1908, and then my folks came in 1910.

Why were we offered immigrant cars for a hundred dollars to move everything we had from Iowa here to settle this land? Through the years we were given excursion tickets, a round-trip ticket, between twenty-six and \$30, for a three-week excursion ticket on the railroad. Now we have no passenger service. At that time I believe there were ten

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1 trains a day going through Glendive. That was to induce
2 people to come here to make a gamble on whether they could
3 make a living. There was little else beside stock raising
4 and agriculture at that time.

5 People have made a success through the years. They
6 have fought for it step by step, and it hasn't been easy.
7 Many of them died out during the drought years of the
8 Twenties and the Thirties and left the country, and there were
9 few--there was no work in the country at that time. There was
10 no BLM to look after the people nor their needs at that time.

11 They did introduce welfare but few people took
12 advantage of it. Most people had too much pride. They fought
13 it out by themselves, and I wonder now how many of you are
14 going to give up and live on BLM welfare. Are you going to
15 trade your agriculture that you have worked so hard for and
16 your stock raising that you have worked so hard for through
17 the years--are you going to trade that for this coal mining
18 promise--this energy promise? To me it doesn't seem like it's
19 worth it. It would seem to me like you lost the battle the
20 day you signed the papers, in fact, the day they ask you to.

21 I can remember before there was a BLM. BLM was
22 introduced, I believe, back in about the nineteen thirties,
23 and they weren't exactly when everyone had a choice of what
24 they could do and what they couldn't do. There was some
25 irrigation offered here on Buffalo Rapids I believe it was in

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1 the nineteen thirties, if I am not mistaken, and I believe the
2 BLM came into existence along about that time, as near as I
3 can remember, and since then our nation has let in somewhere
4 over a thousand--a hundred thousand to a hundred and seventy
5 thousand foreign people into our nation every single year for
6 years and years and years.

7 Is that the reason why we are asked to give up what
8 we worked so hard for through the years? Is that the reason
9 why? To make room for this many foreign people when we have
10 fed them and been very charitable even with what we had or
11 didn't have and have shared through the years with our nation,
12 with our government, to send to foreign nations?

13 Look at the millions, the billions, of dollars of
14 indebtedness that the United States owes through the loans
15 that they have made to foreign nations. How much interest
16 have they ever collected? How much of those loans have they
17 ever been able to collect of the money that has been loaned
18 to foreign nations? We have fed them; we have clothed them.
19 How many times have any of the foreign nations ever helped our
20 United States? Is that the why for? Are they trying to force
21 us out of this land? Do they want us all to go and live in a
22 foreign nation? Do they plan on shipping us all to Iran? I
23 just wonder why--what the why for of it all is. Why have we
24 been forced through the years not only to have BLM you might
25 say forced down our throats to run our businesses for us? I

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1 mean every paper you pick up there is some more people, more
2 government workers, put in. It's one government worker right
3 after another till it has got down till not just one per
4 capita of us farmers but there are many, many that help tell
5 us what to do every day. I don't believe that that is what
6 our American people have worked and strived for through the
7 years.

8 I have--of my family tree I have for some of my
9 ancestors came here in 1731. There were three of my relatives
10 that helped dump the tea into the Boston harbor. I am not
11 bragging, but I think it's time we had another Boston tea
12 party for a lot of our government workers. (Applause.)

13 MR. NEWELL: Thank you.

14 Ron Stoenberg.

15 MR. STOEENBERG: Gentlemen, my name is Ron Stoenberg.
16 I am a wildlife biologist with the Montana Department of Fish,
17 Wildlife and Parks from Region VI.

18 My comments today are restricted to the McConn
19 County portion of the Redwater MFP. We wish to express our
20 displeasure at not receiving a copy of this report with
21 sufficient lead time to allow an in-depth analysis prior to
22 this hearing. Copies were received only after we requested
23 them, and we would need more than one week to incorporate all
24 areas of expertise in this testimony. Therefore, my comments
25 will be of a general nature directed primarily at the sections

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1 dealing with wildlife.

2 Failure to critically comment on specific programs
3 or proposals concerning the Fish and Wildlife resources does
4 not imply acceptance by our department.

5 A cursory examination of this document reveals
6 several areas of concern. First, it appeared two subjects
7 were being covered--the forty-nine percent federal ownership
8 of subsurface minerals and the four percent federal ownership
9 of surface rights. This report failed to bring these two
10 close-related topics together--wildlife or surface users.

11 While decisions concerning wildlife management and
12 management of our surface uses do not affect the subsurface
13 minerals, development of the minerals may have tremendous
14 impacts on all surface users. This fact was not adequately
15 assessed in designing your surface management plans.

16 Another of my concerns with the MFP report is inade-
17 quacy of the wildlife data. Several grouse nests and two
18 sections of land designated critical antelope winter range
19 were discontinued from coal leasing. Nowhere did I find the
20 disclaimer that this list was incomplete. Rather it was pre-
21 sented as a completed inventory.

22 In the surface management section of the report
23 under wildlife one of the objectives is, and I quote, "Conduct
24 an intensive systematic inventory of wildlife and fisheries
25 habitats and species in representative ecological land units

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and aquatic systems in the Redwater planning area."

My question is will the data generated by this ambitious study be incorporated in the dissemination proceedings? If so, what time frames are you dealing with? When will the study be done? When are the leases to be dealt with?

In Appendix D, Page 2, the Interior secretary directed the BLM, and I quote, "To apply criteria to determine which federal lands should be considered unsuitable for coal mining during land-use planning and before the industry nominates tracts and lease sales are conducted," end of quote.

Again, I am concerned whether you have allowed yourselves sufficient time to meet this requirement with complete and adequate wildlife data.

In closing, I wish to reiterate our concerns that the wildlife resources of McCone County receive superficial and incomplete coverage in this report. The BLM guidelines and the various laws cited require a more comprehensive analysis. Therefore, we conclude this document does not meet the needs of a management plan as it applies to the Fish and Wildlife resources. We request an extended comment period and hope that future documents will be sent to our office in sufficient time to allow an adequate assessment.

Thank you.

MR. NIMBLE: Thank you.

Wayne Beckman.

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MR. BECKMAN: I don't represent anybody in particular, but I run across a really excellent idea that could solve everybody's problems that I have seen so far, and I sure wish somebody would look into it seriously, and I found it in the National Geographic in November, 1978, a little over a year old now, and the basic idea is many gas deals that nobody's ever looked into, not at all--they are talking about out of our coal bed here, the coal beds that we are talking about now, they can generate gas right today equivalent of one thousand trillion cubic feet. They are talking about supplies for three hundred centuries: that's thirty thousand years.

Now, this conforms with extended land use. It does not tear up the ground. It does not produce pollution problems. You are not going to have your trace problems. You are not going to have your radiation problems. To me, I don't know, it's--it's pretty excellent, and this is--this is where there was an article in the Billings Gazette today about use of natural gas from sands, compressed sandstone. This is where this came from, and they found in just sandstone that they are going to have 2,500 times our presently yearly production of gas in the western states' sand fields alone. This doesn't include anything like our coal at all. We should be using coal for this.

They have got swamps that they can use for this. There is under-sea they call them hydrates. I don't know what

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it is really, but there are massive amounts there, and there is something called geopressure places where they can get this gas from, and there is also something called denovian shales, whatever that is, but they are talking about present supplies that will--we will be able to keep up with present supplies of energy for three hundred centuries, and I wish you would consider that, considering the problems--other problems that it eliminates, and what I would--one other point--one point that I wanted to make was that I would like to see this Montana which--well, I am not going to go into that, but I would like to see them use these places to produce gas like this coal here, because for the basic reason that we have got something that we can't use for anything else except for--you know, it's got to be used on source, and everybody knows what this on-source problems are going to cause.

Now, if we use this area as an area for demonstration--well, it's already been demonstrated, but I would like to see it demonstrated on the scale that Montana or whoever in this area says that, here, we will show the United States or the world that this works on this scale, and if we can demonstrate to the world we could change--we could change the generation--I mean look at. Look what radiation's going to do. It's going to cause damage for millions of years. This can supply gas for millions of years. All they are saying is that we will be able to keep up with our present uses of energy for

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three hundred thousand years. I mean it's not going to stop then. It's just that we have enough supply for them, so why get your--why hand your children the burden of radioactive wastes or wreck land with your millions of tons of poisons that you are going to pump into the air or all this? Why not hand them--what it amounts to is you can have small wells like two-hundred-foot wells. In this area they are going to be roughly that depth, because all they have to do is get down to the coal fields. You can have those things and you can have them scattered around the fields.

Now, that's a heck of a lot better than tearing up the ground. I mean you can have these wells on the fields and you are going to have to have pipelines. They are not going to be big pipelines, but you are going to have to have that. That's minimal by comparison with tearing up the ground and polluting the air to the extent that we are talking about here.

Another thing that I would like to point out in relation to all of this big problem is that I have looked at housing construction around here and we are totally behind times and backwards in the sense of insulation for our energy. If you want--I think federal people should get together and look at how solar houses are being designed and their use of insulation. We could drop our energy consumption by half if we would only insulate properly and set up proper standards for insulation.

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That's enough. Thank you.

MR. NEWELL: Thank you.

Robert Carlson of Beach. I am sure that's Carlson.
Robert Carlson of Beach.

VOICE: He isn't here.

MR. NEWELL: Richard Knapp, Jr., Sentinel Butte,
North Dakota.

MR. KNAPP: Thank you.

My name is Richard Knapp.

I am going to speak to the Golden Valley MPP, which
most of you aren't familiar with, and I would reiterate all
the inconsistencies that have been gone through here tonight
on the Redwater plan, but in the concern of time I won't.

I would just like to say that the--also that I
represent the Golden Valley Resource Council, and we have zero
percent surface rights controlled by BLM.

In a survey that we have done recently in Golden
Valley County of the people that have BLM mineral under private
land, we have seventeen people being opposed to mining or
leasing, five people in favor and two undecided. We think
that speaks somewhat of a majority.

One thing I would like to bring out is that in the--
in the survey that BLM put out a couple months ago the non-
response people were considered as favoring coal leasing. We
would like to know what criteria the BLM reaches that con-

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clusion and also under what criteria do--does the BLM speak
for the affected non-BLM mineral-ownership people, in other
words, all the other private land--affected area in Golden
Valley County.

Thank you.

MR. NEWELL: Thank you.

I have three cards that indicate they wish to make
a--submit a written statement. If those then will leave their
written statement here I would appreciate it--Doris Stevenson,
Bud Stevenson and Don Chaffee have indicated they would like
to make--submit written statements, so if you will do that
before you leave--I have two more cards that have a question
mark as to whether or not they wish to make an oral statement--
Dave--Ted Whitmer.

MR. WHITMER: No comment.

MR. NEWELL: No comment.

That appears to cover the requests for offering oral
testimony. Anyone else desiring to make oral testimony?

Okay. Closing the record, I would like to remind
you that the testimony that we received at this hearing will
be available in the form of a transcript. If you wish copies
of the transcript please contact our reporter and make your
arrangements with him.

You are also reminded that the testimony will be
analyzed by our district offices in Dickinson, in Miles City,

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and a written record of that analysis will be prepared and
will be made available for inspection at the district offices.
The analysis will be used to determine what changes, if any,
will be made in the management framework decisions. If no
modification is required as a result of the testimony, the
decisions will become effective thirty days following the
comment period, which is extended through November 30th. If
a major change is determined to be made, a basic supplemental
document will be prepared and this document will be dis-
tributed to all those who have attended this hearing and any
of those that make their requests known to our district
offices.

Our district office is located in Dickinson, Pulver
Hall, Post Office Box 1229, 58601, and our Miles City district
office, our office west of Miles City, Post Office Box 940.

VOICE: Could I request that your analysis that will
be--your summary analysis of this hearing is going to be open
at your office also be sent to the county clerk in each county
involved.

MR. NEWELL: That will be done upon the written
request of the county commissioners. We will send a complete
transcript and analysis to them.

VOICE: I am a county commissioner from this county
and I would like to make an oral request.

MR. NEWELL: This county here?

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VOICE: Yes, sir.

MR. NEWELL: Any other comments? With that the
hearing is closed, and I appreciate all of you coming and the
quality of the comments that were made.

(The hearing was then concluded at the hour of
9:05 p.m., this 15th day of November, 1979.)

This is to certify that the attached proceedings
before the United States Department of the Interior, Bureau of
Land Management, in the matter of MPP hearings, at the Dawson
County Courthouse, Community Room, Glendive, Montana, on
November 15, 1979, were held as herein appears and that this is
the original transcript thereof for the file of the Department
or Commission.

[Signature]
Certified Shorthand Reporter
and
Registered Professional Reporter

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RESPONSES TO COMMENTS GIVEN
IN PUBLIC HEARING ON REDWATER MPP

RESPONSE TO BROWN TESTIMONY

- #1 The PLPMA directed BLM to develop, maintain and revise land use plans for public lands. The Redwater MPP is such a land use plan. The BLM regulations for planning (43 CFR 1601) did not actually take effect until after the Redwater MPP was completed.
- #2 The coal decisions in the Redwater MPP identify federal coal acceptable for further consideration for leasing in the coal planning process. Surface mining of coal (a non-renewable resource) is not without cost, for example, impacts on other resources and land uses. The MPP is but the first step in the land use planning process wherein the many conflicts are analyzed.
- #3 The adverse environmental and social effects of massive conversion of coal in the Redwater area are major concerns voiced by Mr. Brown. The BLM is aware of the complexity and potential magnitude of coal development and does not attempt to make a total assessment in the MPP. Such assessment is reserved for later, such as more detailed phases of the planning process (i.e., activity planning and environmental assessment) when site specific proposals are considered. Figures quoted from Friends of the Earth on trace elements found in western coal may have some validity on a general basis; however, to extrapolate their figures for the Redwater area without site specific

- #5 Many factors must be considered in determining significant numbers, some of which are: (1) actual number of adverse comments, (2) acreage included under adverse comments, (3) percentage of federal coal in the area (4) distribution patterns of federal coal, (5) distribution patterns of negative views, (6) location and number of federal coal leases (if any), (7) location and number of preference right leases (if any), (8) number and location of private and state coal leases, and (9) number and location of surface lease agreements on lands over federal coal. Surface owner views are not binding on the owner and can be changed at any time prior to actual consent. BLM did not at this early stage exclude federal coal lands from further consideration solely as the result of the surface owner consultation process. Qualified surface owners received the right to deny consent to leasing by authority of the SMCA of 1977. At this preliminary stage, BLM did not determine the qualifications of surface owners. In some instances, existing surface agreements were in effect in areas where negative views were received. For these reasons, it was considered premature to exclude any areas from further consideration based on surface owner views at this time. The same rationale was followed in carrying lands forward for further consideration when no surface owner view was received.

- #6 Mr. Yarger refers to surface owner responses from his and some neighbors which were not received by BLM. The McCone County ownership records indicated Charles Yarger was not a surface owner of record

analysis may also have limited utility. The federal government has initiated alternate energy source research and development. At present, the Hialeah City BLM District has not been directly involved.

RESPONSE TO YARGER TESTIMONY

- #4 The major efforts in public involvement for the Redwater MPP are discussed in Appendix C of the MPP Summary. Additional coverage documentation is included in the District Office files. Mr. Yarger is correct in stating that every person in the Redwater planning area was not personally contacted to make their views on this planning effort. The BLM did, however, hold numerous public meetings throughout the planning area during the last three years to gather resource information and explain the findings at various steps of the process. These meetings were advertised in local and regional newspapers, and the radio and television stations which serve the residents of the area. The planning method was one, however, changed to include agriculture as a separate resource as some public input recommended.

Considerable advice and recommendations concerning proper and acceptable treatment of agriculture in the Redwater MPP were received during the planning process. General agricultural data (both existing and compiled) are included in the planning documents, however, there remains a difference of opinion as to the acceptable level of detail.

over high and moderate development potential federal coal in the Circle KSCMA. The consultation letter for the tract Charles Yarger indicated was involved was sent to D. W. Officer, c/o Robert Yarger, in accordance with the courthouse record. A followup showed the response from Mr. Yarger stated was returned for lands owned by the Yarger family was never received by the District Office. A subsequent letter and response form was delivered to Charles Yarger on December 19, 1979. The response form will be filed appropriately when it is received in the District Office. The neighbors' surface owner responses referred to were received, recorded properly, and are on file at the District Office.

- #7 The discrepancy in acreages Mr. Yarger noted between the MPP Summary and the MPP were the result of two complications; one by adding acreages from legal descriptions of the preliminary area which included a buffer zone around high and moderate development potential coal, and the other from measuring actual acreages of the high and moderate coal with an electronic planimeter. The actual measured acreage is more accurate and was used in the compilations and analysis. Under the BLM regulations for coal planning, only surface owner views over high or moderate potential coal will be considered (43 CFR 3420.2-3).

RESPONSE TO HOFFERT TESTIMONY

- #8 Mr. Hoffert's concern for the impacts of surface mining on watershed uses is certainly valid. Site specific intensive investigations would

be necessary to assess these factors when and if any leasing proposal is made in the area in question. These inventories and proposed mitigating measures would be required before any mining or reclamation plan could be approved.

- #9 There are no lands designated as municipal watersheds in any of the KMCRA's. For that reason, criterion No. 17 (municipal watersheds) does not apply. While the City of Glendale does receive its water from the Yellowstone River and water from the Southeast Glendale KMCRA does drain into the Yellowstone, the area is not designated a municipal watershed.

- #10 Mr. Moffatt was sent and did receive the surface owner consultation letter sent to all surface owners in the KMCRA. His negative view was returned to the District Office, was recorded correctly, and is on file in the District Office. A second letter asking him to reconsider was never sent by the BLM nor was such a letter sent to any surface owner in the Rebuter planning area by the MPP. BLM would be very interested to see a copy of the alluded letter and the signature on that letter.

RESPONSE TO MINING TESTIMONY

- #11 BLM did not propose to do an intensive inventory of agriculture on the entire planning area in the MPP process. That analysis can be better

done on specific areas when and if any areas are delineated for proposed leasing at later stages in the planning process. BLM did not believe it would be time or cost effective to intensively inventory agriculture in the whole area when likely much smaller areas may ever be needed for coal development. A review of the planning documents would show they contain considerable general information on agriculture over the high and moderate production potential coal in each KMCRA. This data and other resource data were used in arriving at management decisions.

- #12 In reference to core drilling done by Montana Bureau of Mines and Geology: Mr. Bob Watson of Montana Bureau of Mines and Geology was contacted by BLM and apprised of Mr. Huhling's concerns about access and payment of surface damages caused by drilling. Mr. Watson verified that Montana Bureau of Mines and Geology is a subcontractor to the USGS, Conservation Division, Coal Evaluation Program. The BLM is not involved in the exploration program. Mr. Watson has indicated he would take appropriate action to get the matter resolved.

- #13 Following are Statements of Refusal to Consent to Mining submitted by Lelde E. Huhling for Robert Huhling, Inc., and Hatfield & Handley, Inc., Lelde E. Huhling, Pres. Coal Management Regulation 43 CFR 3407.2(a)(1) states that "Statements of refusal to consent shall be filed with the appropriate BLM State Office, but such statement shall be accepted for filing only during activity planning." Refusals to consent offered by surface owners during the MPP phase of planning are therefore not appropriate and cannot be accepted by BLM.

STATEMENT OF REFUSAL TO CONSENT TO MINING, BY OTHER THAN UNDERGROUND METHODS, ON SPLIT ESTATE LANDS:

I, the undersigned, as a surface owner of land overlying Federal coal. My present legal address is Chicago, Ill 60662

I hereby give notice to the Bureau of Land Management, and all other interested parties, that I refuse to consent to mining by other than underground methods on my land. I understand that this refusal is binding and controlling until the Land Use Plan for this area is revised, or until the surface estate is sold.

I have not previously given my consent for mining, and I will not give such consent for the life of the land use plan, which I understand could be up to 15 years.

Signed,

Robert Huhling Inc

DATE: Nov 15, 1978

Legal description of affected surface, if known:

All acre lands in Bureau and McConc. Counties

STATEMENT OF REFUSAL TO CONSENT TO MINING, BY OTHER THAN UNDERGROUND METHODS, ON SPLIT ESTATE LANDS:

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I have not previously given my consent for mining, and I will not give such consent for the life of the land use plan, which I understand could be up to 15 years.

Signed,

*Hatfield & Handley, Inc.
Lelde E. Huhling - Pres.*

DATE: Nov 15, 1978

Legal description of affected surface, if known:

All acre lands in Bureau Co.

RESPONSE TO GULICH TESTIMONY

P14 NLM has repeatedly explained throughout this planning process that the NLM surface management decisions reached in the MPP do not always require intensive inventories of resources on private lands. The mineral (especially coal) decisions reached are those which primarily affect private land and the coal decisions in the Redwater MPP are to further consider the areas for possible coal leasing. Additional resource inventories which Mr. Gulich refers to are to be accomplished in activity planning before any specific lease proposals can be approved. NLM did not believe it would be time or cost effective to intensively inventory the agricultural resources in the entire planning area when likely much smaller areas may ever be proposed for coal development.

RESPONSE TO REALTACH TESTIMONY

P15 NLM has held numerous public meetings throughout the planning area during the development of this MPP to explain the process and present information available at each plan phase. Mr. Realtach has been in attendance at all meetings held in Circle, Montana, and has offered numerous suggestions regarding the plan and the process. Our records do not, however, indicate receipt of information as to locations of sharp-tailed grouse lake referred to in the hearing testimony. However, subsequent followup by telephone with Mr. Realtach has collected that information. He supplied the location of two lakes; one of which is on state land and the other on private surface overlying

of lands overlying federal minerals and how that information should have been used in making MPP decisions remains unsatisfactorily resolved with Mrs. Waller.

P16 Another major concern is that coal development or an waste conversion facility could occur on lands adjacent to the Waller ranch, and the adverse effects that such development could have on their lands and operation. NLM certainly recognizes this as a valid concern, however it is beyond the scope of the MPP to assess all of the problems adequately at this time. This concern, along with many others voiced, are items to be addressed site specifically as well as on a regional basis in the environmental assessment phase of the planning process.

P18 The way the results of the surface owner consultation process were used in making MPP decisions is another concern of Mrs. Waller. As stated previously, the NLM did not determine the qualifications of surface owners and the views received are not binding on surface owners. The NLM has not made a decision to lease any coal to the Redwater area nor has the surface owner's legal right to refuse consent been lessened in any way. For these reasons, federal coal which was not excluded by unsuitability criteria was carried forward in the process as acceptable for further consideration for leasing.

P20 Mrs. Waller's point about energy conservation and developing alternate energy sources is well taken. There are certainly alternatives and all must be closely scrutinized for possible development. Pursuit of

federal minerals within the Circle MPP. Mr. Reutbach recalled seeing 20 to 30 birds in attendance on the lake overlying federal minerals 10 to 12 years ago, however, he indicated he has not visited the specific area of either lake during the spring in the past few years. The reported lake over federal coal will be field checked and the data incorporated in the planning system as appropriate.

P16 The questions of when to intensively inventory the agricultural use of the private surface and how that information should be used in making MPP decisions remains unsatisfactorily resolved with Mr. Reutbach.

RESPONSE TO WALLER TESTIMONY

P17 Mrs. Waller contends that agriculture on private surface overlying federal minerals has not been adequately inventoried or considered to make the decisions reached in the Redwater MPP. For this reason, she feels the MPP does not conform to the principles of multiple use and sustained yield. NLM has, on many occasions, discussed this issue with Mrs. Waller and explained that during the activity planning and environmental assessment phases of the planning process, these issues will again be surfaced and examined in more detail. A review of the complete planning system documents (including WSA Step 2, beginning in 1976) would show they contain a considerable amount of general information over high and moderate production potential coal in each MPP. The issue of when to intensively inventory the agricultural use

energy resources by this country is, however, a policy matter to be determined by Congress and the President. A discussion of this policy and the likely resource contribution is included in Chapter 2 of the Final Environmental Statement on the Federal Coal Management Program.

RESPONSE TO ETTEL TESTIMONY

P21 Mr. Etzel lives near an existing surface mine which has been in existence for many years. It appears he is judging the reclamation potential of the Redwater area by results seen at an existing mining operation where reclamation efforts were minimal. He fails to recognize, however, that recent reclamation laws and standards, which are partially the result of previous inadequate reclamation efforts, require an approved reclamation plan and reasonable proof of reclamation before any development could occur. These laws and regulations would certainly affect any future coal mining operation proposed in the area.

RESPONSE TO PATTERSON TESTIMONY

P22 Mr. Patterson raises some interesting and provocative issues in her testimony. However, these issues raised were not directed to the Redwater MPP decisions and are beyond the scope of NLM land use planning.

RESPONSE TO STANBACH TESTIMONY

#23 The Region 6 (Bangor) Office of the Montana Department of Fish, Wildlife and Parks was inadvertently left off the mailing list for the Redwater NFP Summary. The Region 6 Office and Mr. Stanbarch were each mailed a copy of the NFP Summary on November 5, 1979. Copies had been mailed to the Region 7 Office (Missoula City) and the Helena Headquarters office of the Department of Fish, Wildlife and Parks on October 19, 1979.

#24 The Redwater NFP does, in fact, address two subjects -- management of federal surface resources and management of federal subsurface resources. The management decisions pertain to the federal resource only, whether it is surface or subsurface. BLM is aware that federal coal management decisions affect the surface users. The application of the unsuitability criteria, together with the environmental impact statement and coal activity planning which would be developed subsequent to the NFP will, however, more fully address the impacts on surface use such as farming and wildlife. The surface owner consent provisions of the NSMCA of 1977 also allow a qualified surface owner to decide if mining will occur on his land, regardless of BLM data or plan recommendations.

#25 In the application of the unsuitability criteria, it was clearly stated that the wildlife areas identified were over federal minerals only. Under the guidelines of the Surface Mining Control and Reclamation

Act of 1977, these are the only areas we could address. Therefore, wildlife resources on private surface over private minerals were not shown. The wildlife maps (pages 117-118) of the Redwater Summary show the locations of the known important wildlife areas. If new areas are located, they will be incorporated into the plan.

#26 The decisions following objective use on page 110 indicate that large blocks of public land and areas of high and moderate development potential coal in the NSMCA's will be given priority in future inventories. Data gathered from these inventories will be incorporated into the planning system and unsuitability criteria applied to determine areas to be considered for exclusion from mining. This intensive study has been completed for the Wilson-Beach NSMCA and the results were incorporated in the unsuitability application. Other areas will be inventoried and assessed as time and money become available and/or prior to any leasing of federal coal.

#27 The unsuitability criteria can be applied during land use planning, activity planning, leasing, and up to the time of mine plan submission. Before a permit to mine can be granted, the wildlife data must be acquired upon which unsuitability criteria conclusions can be made. Therefore, sufficient time in planning steps is available to meet the Interior Secretary's direction.

#28 The Redwater NFP responds to two different sets of guidance, i.e., surface management planning and coal management planning. In an area where public surface lands amount to less than four percent of the surface, the coverage given to wildlife and fisheries habitat is considered adequate for this phase of planning. For site specific planning, the amount of data needed is not adequate for all sites and has been so identified. Prior to any development, inventory must and will be acquired. As an example, the Montana Department of Natural Resources, under contract to the Burlington Northern, is presently engaged in a continuing update of their baseline inventory in portions of the Circle NSMCA.

The comment period for the Redwater NFP was extended to November 30, 1979, and the BLM mailing list has been revised so the Region 6 Office of the Montana Department of Fish, Wildlife and Parks will receive timely mailings of future documents.

RESPONSE TO BICKMAN TESTIMONY

#29 Mr. Bickman posed some interesting ideas about new and unique sources of energy. His testimony, however, was not directed to issues or decisions addressed in the Redwater NFP and are well beyond the scope of the Redwater land use plan.

The testimony of Mr. Richard Knapp will be analyzed by the Dickinson District Office, Bureau of Land Management as it pertains to the Golden Valley, North Dakota NFP.

Beach, Dr. Desh.
November 24, 1979
Bureau Land Management
Box 940
Miles City, Montana

Dear Mr. Beach: I am the family
one right that we could not attend
your meeting in Glendive.
We have one quarter of very good
farm land which the Govt claims
to own the coal. This land is our
source of livelihood. The revenue that
we might receive from the coal
would surely not compensate for
the revenue we secure from the
farm land.

Therefore we do not believe the coal
should be leased. Not only would it

ruin our land but our living would
be mighty slim and mining should
commence on this land.

We sincerely hope that you will
see our point of view.

We will surely appreciate anything
that you might do to delay the
mining of coal on our good 160
acres of farm land in Judith County.

Thank you kindly.

Sincerely,

R. Rudy Kopp

Beetram T. Fiech

RESPONSE TO KOPP AND FIECH LETTER

#30 In accordance with Section 714 of the Surface Mining Control and
Reclamation Act of 1977, surface owner consent is required prior to
any leasing of federal coal. This provision of the law grants qual-
ified surface owners the right to determine if any coal leasing will
occur on that land.

WV
 Lincoln, Mont. 80
 Nov. 19, 1980 W

Bureau of Land Management
 District Manager
 Miles City, Mont.

Dear Mr. Neuberg,
 I was unable to attend the public meeting in Miles City Nov. 15 and I would like to make a few comments about the Redwater HPP.

The whole study seems to be just a waste of time, money, paper & ink.

Before owner that don't want their land mustn't seem to have any impact on your leasing decision. It also seems that you didn't notice the water in the area. I know these things have been talked about at meetings which were held here in Lincoln.

31

you agreed that these things were important and would be included in the study, but the study doesn't show that you have done it.

32

I think you may as well throw this study in the trash and do a complete resource study, which includes the economic impact of coal mining. It should also show what the area would be like if coal were mined for 20 or 30 years and then stopped. Also what happens to the area during the years after mining.

33

Sincerely yours
 Glenn Haller

33

RESPONSE TO WALKER LETTER

#31 As indicated on page 3e of the Redwater Summary, the views given by the surface owner concerning leasing are not binding on the owner and can be changed. BLM is aware that its decision did not meet with unanimous approval; however, the decision to further consider these lands in the planning process did not deprive any surface owner of his right to refuse consent.

#32 The existence and impacts to surface and subsurface water systems will be evaluated thoroughly in the activity planning and environmental assessment processes prior to any coal leasing proposals being approved. The level of detail required at the HPP stage is not intended to fully assess the impacts as later site specific studies will.

#33 Prior to any leasing, a required regional coal environmental impact statement would address both long term and short term economic and social impacts to the region.

Nov. 26, 1979
Pat Torgerson
Lambert, MT
59243

to the U. S. Dept. of Interior
Bureau of Land Management

I attended the B.L.M. hearings for "Reactive Management Framework Plan" in Glacier National Park, Nov. 15, 1979. At that time I was not prepared to make a statement. I would like to make a statement at this time.

The development of coal will have far reaching effect on Montana land, air and water. Development of our coal will satisfy U.S. energy demands for only a short period of time; but coal development will have a scar on this land, air & water for eternity. Our land, air & water will be unfit for agricultural uses. The air will become laced with sulfur acids killing our grasses. Trees needed to feed our production birds. When rains fall they won't be filled with clean water, rather a crop but filled with coal chemicals from the generating plants killing our crops.

Water will be utilized for coal production, not crop irrigation.

To me keeping the lights of New York City, and Las Vegas lit a few more years is not important, but keeping our land fit for food production is. God isn't taking any more good land.

My vote is for giving Montana Agricultural interests priority. And coal development better move slowly and carefully. Land developed for coal that I've seen with my own eyes around damage Mt. Coal Strip, MT; Garrison, N.D.; Yellow Pine, N.D.; is not reclaimed and unfit for Agricultural use. No matter what B.L.M. says!!

America is losing 4 square miles of prime farm land a day. The urban sprawl. America is losing 2 million acres of lesser quality land to non agricultural uses each year. Let's not add Montana land through coal development.

Pat Torgerson

to this figure.

America lets develop clean energies through wind power - solar power and ethanol fuel and leave our land intact for farming and ranching interests. And lets start today and say
No to B.L.M. Coal Development

Thank you,

Pat Torgerson

Lambert, MT

59243

RESPONSE TO TORGERSON LETTER

#34 Similar concerns for conservation of our natural resources have resulted in enactment of legislation such as FLMMA, BLMMA, Clean Air Act, Clean Water Act, etc., which guide much of BLM's resource management program. As required by law, surface mining would only occur where successful reclamation can be expected and the productivity of the land restored for future generations. Reclamation is and will continue to be a major concern in any coal development decision made by the BLM.



350 Grand Avenue, P.O. Box 80794
Bilings, MT 59104 • 406/548-5744

November 14, 1979

George Neuberg
Milnes City District NM
Box 540
White City, MT 59301

Dear Mr. Neuberg:

In our capacity as planning advisors to the Wibaux City-County Planning Board, we have reviewed the Redwater MFP Summary.

The public notice in The Wibaux-Plains Gazette of November 6, 1979 states "The Redwater and Golden Valley Management Framework Plans contain NM land use decisions for Bowen, McCone, Wibaux, and Richland counties in Montana and Golden Valley County in North Dakota." As only minor land use decisions are discussed in the MFP Summary, we will need to review that portion of the MFP itself, concerning Wibaux County, in order to make a meaningful appraisal.

At any rate, the MFP Summary gives rise to some questions and comments. On page 3 of the glossary of this MFP you define under National Resource Waters - "Surface waters of existing high quality which are either: (1) of exceptional ecological significance". Semantics can be confusing but, although Beaver Creek may not be high quality or exceptional in comparative terms, it is certainly of great ecological significance in the greater Wibaux County area.

On page 41 you indicate "Of the 20,364 acres of Federal land found acceptable for further consideration for coal leasing in the Wibaux-Beach NMMA, approximately 14,112 acres are in cultivated crops. The remaining 6,252 acres are native rangeland." While the economic importance of these agricultural lands is recognized none of these lands were excluded from further consideration. The economic and social considerations of surface mining these lands will be thoroughly examined in later stages of the planning, i.e., coal activity planning and environmental analysis.

George Neuberg
November 14, 1979
Page 2

The need for development of a synthetic fuels program, outlined in the President's energy message on July 15, 1979, increases the value of limits found in the Wibaux-Beach NMMA for on-site conversion."

Wibaux County residents will want to scrutinize these later planning stages as they obviously stand to be seriously affected. In an area where agriculture is the major element of the local economy and lifestyle, to consider leasing land that is predominantly under cultivation seems to be without desirable perspective.

Frankly, President Carter's synthetic fuels program accompanied by the purported Energy Mobilization Board could have serious negative impacts on Wibaux County's ability to determine its own future should they become realized.

We look forward to your future planning efforts and hope to be of some help in developing a program that will be good for Wibaux County and the rest of the nation.

Sincerely,

Douglas S. Hart
Douglas S. Hart

RESPONSE TO CUMINI ASSOCIATES' LETTER

#25 Cumini Associates are hired as planning advisors by Wibaux County. NM mailed a copy of the entire MFP narrative to the Wibaux County Clerk and Recorder on November 5, 1979. The Milnes City District planning documents, maps and overlays are also open to public review. This information discusses and illustrates the specific recommendation areas referred to in the MFP Summary. Various resource specialists are available in the Milnes City District Office to further explain the planning documents.

#26 Since the State of Montana has not designated Beaver Creek as a National Resource Water in their water quality management plans, criterion 18 did not apply. NM recognizes the importance of Beaver Creek as wildlife habitat and as an alluvial valley floor. The narrative on application of unsuitability criteria, pages 46-50 of the MFP Summary, points out that the area along Beaver Creek was found unsuitable for further consideration for these reasons.

#27 The activity planning and environmental assessment process continues to provide numerous opportunities for public involvement. NM will continue to explain and adhere to these processes and to actively solicit public involvement.

#28 As professional planning advisors hired by Wibaux County, Cumini Associates could provide valuable assistance in future planning efforts. NM will welcome such involvement.

29

Tenneco Coal
A Tenneco Company

P.O. Box 2011
Miles City, Montana 59701
(713.226-2121)

November 16, 1979

U. S. Department of Interior
Bureau of Land Management
Miles City District Office
P. O. Box 940
Miles City, Montana 59701

Attn: Mr. George Neudorfer
District Manager

U. S. Department of Interior
Bureau of Land Management
Dickinson District Office
P. O. Box 1229
Dickinson, North Dakota 58601

Attn: Mr. Charles E. Steele
District Manager

Gentlemen:

Tenneco Coal Company hereby submits these comments to the Miles City and Dickinson District Offices of the Bureau of Land Management regarding the Redwater and Golden Valley Management Framework Plans which are to be the subject of a public hearing in Glendive, Montana on November 16, 1979.

After reviewing the summaries of the Redwater and Golden Valley Management Framework Plans in conjunction with the United States Department of Interior, Bureau of Land Management final regulations for the Federal Coal Management Program, 46 Federal Register 4358 (July 10, 1979), Tenneco Coal Company wishes to express its continued support for the obvious progress that has been achieved by your offices toward leasing Federal coal. Tenneco Coal Company appreciates this additional opportunity to comment on these land use plans.

First, in the comments of Tenneco Coal Company dated May 14, 1979, concerning the draft land use plans, Tenneco urged uniformity and coordination between your respective offices in the preparation of the management framework plans for the Beach-Elbow areas. Tenneco recognizes the fact that the different planning units were established to cover this area by virtue of the fact that the area lies on the border between Montana and North Dakota. However, in terms of the economical and efficient development of the underlying coal resources, the area should be treated as one. Preferably, this would involve the establishment of one district office with sole control over the area. In any event, Tenneco would again urge continued cooperation between your respective offices to the greatest extent practicable.

Tenneco Coal

U. S. Department of Interior
November 16, 1979
Page 2

Furthermore, Tenneco maintains that a surface owner over Federal minerals who has signed a surface agreement has already given his consent to mining and is legally bound by that decision. However, the Management Framework Plans list several tracts as tracts where the surface owner is against leasing where, in fact, the surface owner has executed a valid lease. These tracts should be identified prior to the activity planning phase and carried forward in the leasing program.

Third, Tenneco Coal Company is very concerned about the classification of Federal lands as unsuitable for mining within certain buffer zones. The Federal regulations provide that Federal lands within 100 feet of the outside line of the right-of-way of a public road or within 100 feet of a cemetery, or within 300 feet of any public building, school, church, community or institutional building or public park or within 300 feet of an occupied dwelling shall be considered unsuitable. However, the Federal regulations also provide for certain exceptions, namely that a lease may be issued for lands used as an access road or haulage road that join the right-of-way for a public road, or for which the Office of Surface Mining Reclamation and Enforcement has issued a permit to have public roads relocated, or for which owners of occupied buildings have given written permission to mine within 300 feet of their building. Section 361-1.

The regulations also state that the parties involved in a right-of-way or easement may agree to leasing where such lands would normally be classified as unsuitable. Tenneco Coal Company supports the right to negotiate with the appropriate surface owner or holder of a right-of-way to mine within the federally-classified buffer zones. Furthermore, Tenneco also desires the opportunity to negotiate with the local governing bodies for exceptions to their established buffer zones. Consequently, Tenneco is opposed to the absolute classification of lands within buffer zones as unsuitable for land use plans. Mining companies have traditionally been able to successfully negotiate with residents and local officials regarding compensation and relocation if necessary. Therefore, Tenneco supports the decisions in the Redwater and Golden Valley land use plans not to prevent the right of negotiation.

Finally, Tenneco supports the decisions not to classify all alluvial valley floors as unsuitable at this time. The statements that more detailed analyses and the determination of the boundaries of the alluvial valley floors, buffer zones and influence areas will be made at activity planning time if specific sites are proposed for leasing are appropriate. As was previously recognized in the two management framework plans, it is imperative that firm boundaries be designated for alluvial valley floors prior to leasing.

Tenneco Coal

U. S. Department of Interior
November 16, 1979
Page 3

Tenneco Coal Company appreciates this opportunity to submit these comments to the Miles City and Dickinson District Offices on the summaries of the Redwater and Golden Valley Management Framework Plans covering the Beach-Elbow area.

Very truly yours,
TENNECO COAL COMPANY

By: *Ray J. Christian*
Ray J. Christian
General Manager

GTC/lvs

cc: Mr. Michael J. Penfold
State BLM Director

REMARKS TO TENNECO LETTER

643 As Tenneco indicated, two district offices (Miles City, MT, and Dickinson, ND) prepared the land use plans with some differences resulting, however, present plans are for use of office to have the lead and major responsibility for the regional assessment and tract ranking processes. The Fort Belknap Region will be handled as one area within the two states.

644 As indicated in the MFP, surface owner qualifications were not applied, and no tracts were deleted because of surface owner views. Qualifications will be determined prior to deleting any tracts in subsequent processes for their purposes.

645 Exceptions were not applied for criteria 2 and 3 at the MFP phase in the planning process. Any exceptions would largely depend on legal agreements and negotiations with local governments and individual property owners.

STATE OF MONTANA



DEPARTMENT OF FISH AND GAME

Room 11-210
Glasgow, MT 59230
November 27, 1979

District Manager
Bureau of Land Management
P.O. Box 360
Miles City, MT 59701

Dear Sir:

We would like to take this opportunity to comment on the recently completed Redwater Management Framework Plan. Attached is a copy of testimony delivered by biologist Ken Stimers at the Gladwin hearing. In addition, we have the following comments to offer:

- McCreary County was split into the Circle Planning Unit and McCone County Planning Unit. Circle 19 was discussed in the Redwater NFP and McCone County 19 was covered in the Missouri Breaks Grazing Environmental Statement. This causes considerable confusion and problems when handling McCone Wildlife Data. 46
- Wildlife inventory of Circle BNGA was incomplete. Therefore, application of the unsuitability criteria was inaccurate. 47
- LAND USE DECISIONS--WILDLIFE

Decision 3.1, p.130
Who will conduct this inventory? Will it be completed in time to determine the suitability of the representative ecosystem types for mining? 48

Decision 3.1, p.131
Fertilization of fish ponds to stimulate food and cover would be of no benefit to ponds in this part of the country since these ingredients are rarely limiting factors. If ponds lack fertility, this indicates a problem associated with unsuitable soils, watershed management, or shoreline abuse. Streambank protection and management would have greater value than use of instream habitat improvement structures which are difficult and costly to build and maintain. If required, artificial devices may have greater application for streambank erosion. 49

District Manager, BLM

-2-

November 27, 1979

Decision 3.5, p.131
Shortages of salt and grit have rarely been identified as factors limiting game abundance, certainly not in the Redwater Planning Area. 50

Decision 4.13, p.133
This seems to negate Objective 4, p.84. Timber harvest from public lands in eastern Montana should not even be considered. 51

4. Appendix A

Criterion 16.
The floodplains of all major drainages should be designated as unsuitable for mining. 52

Criterion 19.
All of the listed Primary Alluvial Valley Floors should be designated as unsuitable for mining until more detailed analyses indicate otherwise.

Sincerely,

Richard L. Spelman
Regional Supervisor

RLJ/lmw
enclosure

RESPONSE TO DEPARTMENT OF FISH AND GAME, GLASGOW, MT, LETTER

- 646 Formulas are established for administrative purposes to serve a variety of needs and do not always coincide with those established by other agencies.
- 647 The Montana Department of Natural Resources under contract to the Burlington Northern has completed the initial year of baseline studies required by state law for coal development. The study covered a portion of the Circle BNGA. BLM resource data and data acquired from the Leslie 4 Office (Glasgow) of the Montana Department of Fish, Wildlife and Parks provided coverage for the rest of the BNGA. This data could be considered incomplete as a detailed four-season study has not been done. This inventory need has been identified and must be done before any permitting for coal development would be allowed. Unsuitability would be further refined at that time.
- 648 Where needed, inventory will be done by either BLM biologists or by contract and will be done prior to coal development to determine suitability for mining.
- 649 Wildlife decision 3.1 is made for site specific areas with full realization it does not apply to all situations. For properly installed instream structures such as log deflectors, cost of installation is low and maintenance is minimal. This type of structure can increase streambank habitat and provide streambank protection.

- 650 Wildlife decision 3.5 pertains to intensively managed areas where those practices, if needed, could increase the use of available habitat.
- 651 Timber harvest in the Redwater planning area is not advocated, but use of the forest resource for firewood, poles and posts can be judiciously allowed. Where these practices can occur, it is the objective of the decision to protect trees which are important to wildlife such as cavity nesters.
- 652 The July 19, 1979, final unsuitability criteria in Appendix A have been established and the BLM application of criteria 16 and 19 can be determined by referring to those criteria in the various BNGA's.

NORTHERN PLAINS RESOURCE COUNCIL

Maple Office
615 Interstate Hwy
Billings MT 59102
(406) 248-1154

Field Office
P.O. Box 88
Glendive MT 59310
(406) 363-2525

November 29, 1979

Mr. George Neuberg
District Manager
Miles City District Office
Bureau of Land Management
Miles City, Montana

Dear Mr. Neuberg:

Enclosed please find the comments of the Northern Plains Resource Council and the McCone Agricultural Protection Organization on the Redwater Management Framework Plan. Thank you for your consideration of these comments.

Sincerely,

Helen Waller

Helen Waller
Chairman, NPFC

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November 29, 1979

COMMENTS OF THE NORTHERN PLAINS RESOURCE COUNCIL AND THE MCCONE AGRICULTURAL PROTECTION ORGANIZATION CONCERNING THE BUREAU OF LAND MANAGEMENT'S REDWATER MANAGEMENT FRAMEWORK PLAN

The Northern Plains Resource Council (NPFC) and the McCone Agricultural Protection Organization (MAPO) wish to thank the Bureau of Land Management for extending the period for written comment on the Redwater MFP. NPFC and MAPO, as NPFC affiliates, are jointly submitting these written comments on the MFP. These comments supplement the oral testimony given at the November 15 hearing in Glendive, and especially the testimony of Helen Waller, Lyle Quick, Tom Breitbach, Charlie Yarger, and John Brown.

In the oral testimony, NPFC, MAPO, and others stated that the MFP was not a multiple use plan, did not incorporate the principles of multiple use and sustained yield, and that the MFP cannot, therefore, be used as a decision document or as a basis for coal leasing decisions. The testimony further pointed out and documented serious defects in the public participation process, the surface owner consultation process, and the inadequacy of inventory data relied upon for management decisions. This testimony made the basic case for conducting a Resource Management Plan which includes agriculture as a resource, and which fully recognizes conflicts between federal coal subsurface development and private agricultural surface in decisionmaking. These written comments are

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NPFC, MAPO comments, page two

intended to supplement, and not replace, the oral testimony.

The first part of these comments provides specific criticisms of the information and decisions in the MFP and the MFP summary.

INTRODUCTION

At page 1, the Summary states that it (the MFP) "will not be a land use plan for private, State, or other Federal agency resources; however, an assessment of the impact of BLM's decisions on resources of other ownerships or responsibilities has been made". As was pointed out in oral testimony, this "assessment" is not evident in the MFP. Moreover, the statement ignores BLM planning guideline 1501.16, which requires the BLM to "assume an active role in the land use planning of areas in which the Bureau administers the mineral estate but only widely scattered parcels of the surface estate".

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At page 3, the Summary states that "viewpoints of landowners are used to assess which areas might be acceptable for further consideration for coal leasing and which areas might be considered unsuitable for coal leasing". Despite this declaration, views of landowners did not affect the acceptability of a square foot in the planning area.

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At page 4, the Summary describes four "screens" in the planning process. However, no summary of the multiple use analysis, part of the "third screen", is included in the Summary.

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At page 5, the Summary states that the purpose of public meetings is "to explain each step and present information at hand". The

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NPFC, MAPO comments, page three

purpose of public meetings is also supposed to be to gather and use information provided by the public.

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Also at page 5, the Summary states, "Agricultural impacts are addressed to some extent in the MFP decisions, but the total impact on agriculture cannot be assessed until activity planning, since we do not have definite coal leasing targets (time or tons) or proposals for operators with specified end-uses." The pertinence of definite targets to assessing agriculture in multiple-use decisions is not clear. A discussion of the impacts of surface mining and coal conversion on agricultural economic or "lifestyle" values is not evident in the MFP.

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Why proposals or targets are necessary to "quantify or qualify" the expressed concerns for the "farm-ranch lifestyle" (page 5) is unclear. Until some assessment is made, many surface owners and others in the planning area will have no basis on which to judge the beneficial and adverse aspects of BLM land use decisions.

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There is no explanation or rationale given for the judgement, at page 5-A, that "surface owner preferences against coal leasing were not considered numerous enough to remove any known Recoverable Coal Reserves Area (KRCRA) from further consideration at this time". Nothing in the regulations or laws governing the surface owner consultation process requires that only entire KRCRA's could be removed by the process; portions of KRCRA's could be removed. In any case, the judgement that surface owner preferences were not

numerous enough is open to dispute, and should have been a subject for discussion in the public participation process (cf. discussion of surface owner consultation, below.)

The second paragraph at page 5-A indicates that land use planning decisions are subordinate to coal targets. The determination of what areas are acceptable should not be an exclusively relative process.

That the MFP "leaves the final choice of all surface owners open for the time being" (third paragraph, p. 5-A, emph. in original) is not an argument for ignoring the negative views of surface owners; on the contrary, the elimination of unnecessary planning and disturbance of surface owners is the expressed purpose of the provision for such consultation in RMCRA. This purpose is thwarted by the MFP decision to carry all coal land forward regardless of the extent of surface owner preference.

MINERALS

The comments on the minerals section refer specifically to the Circle RMCRA, but they apply generally to all RMCRA's, in much the same manner as the decisions, rationales, and other MFP discussion is generally identical for each RMCRA.

At page 13, Objective 1 should include an explanation of what constitutes "sufficient coal....to allow implementation of the Secretary of Interior's Preferred Coal Management Program".

UNSUITABILITY CRITERIA

It should be noted in the MFP that large gaps exist in the data necessary to apply unsuitability criteria (cf. testimony of Lyle Quick, Ron Stoneberg).

Regarding criteria #19, Alluvial Valley Floors: While the technical difficulty of making final determinations of alluvial valley floors is understandable, it would not seem to be a great rush to judgement to consider such waterways as the Redwater and Yellowstone Rivers to be Alluvial Valley Floors.

SUMMARY OF LOGGING

The first paragraph, page 41, is misleading insofar as it indicates that the surface owner consultation process in any way affected the decisions made in the MFP as to the areas to remove from consideration.

The second paragraph indicates that Instruction Memoranda which required surface owner consultation to occur only after application of the unsuitability criteria, in order to avoid unnecessary disturbance of landowners, was not followed.

There is no explanation in the note at the bottom of page 63 of why letters were sent to surface owners, and the responses tabulated in table 6, only to be discarded from the data included in the individual RMCRA's. Although the percentage response may have been the same, as the note indicates, presumably arbitrary percentages are not the only factor pertinent to the "significance" of surface owner opposition.

Decisions 1.1 and 1.2: If surface owner views and multiple use analysis had been adequately undertaken, the overwhelming decision to recommend coal availability might be subject to modification. In the rationale for these decisions, it is stated that "an open house was held in an effort to get maximum public participation in the process". Despite this statement, information presented by the public was ignored by the RLM (cf. testimony of Tom Breitbach). State agencies view RLM's coordination efforts in a somewhat less than favorable light than the MFP Summary indicates (cf. testimony of Ron Stoneberg). It is unclear what is meant by the statement, in the third paragraph of the rationale, that "the economic importance of these agricultural lands is recognized..." The lack of a multiple use trade-off analysis, as between coal development and agricultural resources, is evidence that the statement is groundless, or meaningless. Finally, the statement in the fourth paragraph regarding the value of the lignite is a completely unfounded insertion. No source or analysis is cited in support of the judgement made regarding the economic value of the lignite.

TABLE 1, and subsequent tables re:RMCRA's, enumerate the acreages of Federal coal "affected or covered" by surface owner views. It is not clear how surface owner views "affected" the Federal coal, or RLM decisions regarding that coal.

LANDS

Decision 5.1: The Summary states, at page 70, that "only those lands which are classified as Class III or better by soil survey will be considered as having potential for agricultural purposes". In McCone County, and perhaps other counties in the planning area, many privately owned Class IV lands are suitable for, and currently used for, crop production. The rationale for Decision 5.1 does not explain the need for stricter management on public lands.

Decisions 1.7-1.9 (Minerals): Decision 1.9 limiting or qualifying coal exploration and drilling (Decisions 1.7 and 1.8) are designed to minimize land use conflicts only on publicly owned surface. This should be corrected to include protection of private surface, which overlies most of the area affected by Decisions 1.7 and 1.8.

FOREST PRODUCTS

It is difficult to understand why private forest resources are slated for inventory and classification in advance of coal development, in Decision 1.1 and its rationale, but the same type of inventory of private agricultural resources is not called for in the MFP. NPRC, MAPD, and others have requested such an inventory since the earliest stages of this planning process.

WATERSHED

The Background discussion at page 96 indicates that the RLM has little

or no data which would allow the finding in the unsuitability determination that there are no municipal watersheds in the KRCRA. Oral testimony at the Glendive hearing indicated that there were municipal watersheds in at least the Southwest Glendive KRCRA.

Decision 1.1: This decision affects, and protects, only watershed on publicly owned and BLM managed surface. Watershed degradation on private surface adjoining public lands which may be caused by development of public minerals is not treated in the decision.

Decision 1.1: NPFC and MAPO note that erosion susceptible areas on private surface lie within the KRCRA's recommended for further consideration for coal leasing. For example, see R49E, T22N in the Circle KRCRA. The MFP does not discuss this apparent multiple use conflict in multiple use analysis or make any recommendation for any mitigating measures that might be necessary.

WILDLIFE

Decision 1.1 and Rationales: As with Watershed, an inventory of wildlife in the planning area is to be conducted so that the BLM will have the baseline data needed for adequate land use planning. Yet the major land use decision in the MFP--to make billions of tons of coal available for leasing--was made without this essential information.

Decision 2.1 and Rationales: It is curious that the MFP proposes

to purchase private land to protect wildlife resources. In effect, these purchases will be needed to mitigate wildlife losses attributable to coal development on private surface. The MFP does not discuss these losses, although they will have a much greater impact on the wildlife resources in the planning area than any multiple use conflict addressed in the MFP.

CULTURAL RESOURCE MANAGEMENT

The BLM accepts responsibility for "considering the effect of leasing on any important prehistoric and historic sites even if they are privately owned", if they overly federal coal in a KRCRA (p. 124, Background--Public Mineral Estate). The decisions and rationales, again, include the need for inventories. NPFC and MAPO note once more the marked contrast between the treatment of agriculture and other resources.

Paleontological Resources Decisions and planning discussions were not included in the MFP Summary; the exclusion is unexplained.

APPENDICES

Surface Owner Consultation (Appendix B)

The MFP notes at page B-1 that letters were sent to all surface owners over high to moderate potential coal on the "assumption" that the recipients met, or would meet, the criteria for qualified surface owners in KRCRA. Among the surface owners assumed to be qualified were the Burlington Northern Railroad and its trustees and

subsidiaries, and the Knife River Coal Company, a wholly owned subsidiary of Montana Dakota Utilities.

The Summary goes on to cite the provision of section 714 of KRCRA which directs the Secretary to refrain from leasing coal where a "significant number" of surface owners are opposed, "to the maximum extent practicable". Neither the MFP nor the Summary explains or even attempts to justify the finding that surface owner opposition in the planning area was not "significant". It is also unclear whether areas were carried forward because finding them unsuitable for further consideration was "impracticable"; in any case, no discussion of the subject was included in the MFP, the Summary, or any documents on file at the District Office.

Furthermore, letters were sent to several surface owners requesting an expression of preference regarding leasing of private mineral estate. It is unclear which, if any, of these lands are included in the surface owner consultation tabulations. No calculation of any difference between acreage described in letters sent out and acreage ultimately determined to be over Federal coal exists in the MFP, the summary, or the Miles City District Office files, nor is there any discussion of the discrepancy anywhere in the record.

Other discrepancies exist, also. The figures for acreage over Federal KRCRA coal in the tabulations in the back of the MFP do not match the figures printed in the summary for each KRCRA. For

example, the MFP tabulations show that there are 64,160 acres of high to moderate potential coal in the Circle KRCRA. In the MFP Summary, the figure given is 85,140 acres. There is no explanation, calculation, or discussion of this discrepancy in any of the BLM documents or files. This situation is further complicated by the ambiguity over inclusion or exclusion of data from the "buffer zones" discussed above.

The result of this rather imprecise methodology is that it is impossible to assess the accuracy of the surface owner consultation results. Several problems with the consultation process suggest that the results may understate surface owner opposition. Among these:

- 1) The magnitude of preference against leasing is figured as a percentage of all KRCRA acreage. Thus, although a majority of those responding in most areas and in the planning area as a whole were opposed to leasing (approximately 60%), the Summary and the MFP show opposition over about 36% of Federal coal lands. Surface owners were not apprised of the fact that a failure to respond to the consultation request would, in effect be treated as an expression in favor of coal leasing.
- 2) Views of obviously unqualified surface owners were not only solicited, but they were included in the results of the process. The most glaring example is that of the Knife River Coal Co. in the Miles City District Office files. For example, see (or try to locate) the responses of Charles Varner, Helen and

Gordon Waller, and Glenn Waller in the Circle KRCRA. In at least the case of Mr. Yarger, the affected acreage is plotted as "no response" in the MFP Summary map, although he responded in the negative.

4) Surface owners were not consulted as to what might be considered "significant" opposition. This would seem to have been advisable, as the District Manager is entirely responsible for determining what is and is not significant. (The pertinent regulations intentionally and appropriately leave the District Manager great latitude in assessing the local situation for determining significance. It should be noted that Instruction Memoranda regarding the use of surface owner consultation suggested a general policy of removing lands for consideration if opposition is expressed--previously the opposite of the practice in the Redwater planning effort.)

5) Despite opposition ranging up to 58% of KRCRA acreage in the five coal areas, no acreage was eliminated for consideration. Several smaller areas within KRCRA's are covered by unanimous surface owner opposition. Elimination of some such areas might have been the most prudent course.

6) According to oral testimony at the hearing on November 15, some surface owners received letters from the BLM asking them to reconsider expressions of opposition to leasing. If this in fact occurred, it represents a highly irregular and contemptible attempt on the part of the BLM to exert

pressure on landowners. Such a practice would distort the surface owner consultation process and raise serious questions about the objectivity and accuracy of the results of that process. If this did occur, NPAC and MAPO hereby request copies of any and all such letters.

Summary of Public Participation

In general, this section presents a distorted picture of public participation as it has taken place during the formulation of this land use plan.

Regarding the summary brochure, the MFP Summary fails to note that the widespread dissatisfaction raised by the total disutility of the document reflected frustration with the severely restricted role allowed the public in BLM planning. (Cf. comments on Step 2 of the MFP by the Wibaux Area Council and MAPO.)

The "open house" sessions were inadequately publicized. Public notices in some cases failed to explain that the Redwater MFP would be the subject of discussion. While public input may have been "sought" at these meetings, as the Summary claims, it was restricted by two factors. First, the disutility of the summary brochure and the lack of available copies of the MFP made it impossible for citizens to adequately prepare for the session. Second, the BLM did not utilize information provided to it in subsequent decisionmaking (cf. testimony of Tom Heistbach).

The May Meeting with the Wibaux Area Council is not accurately characterized by the description that the BLM "hosted" WAC. In fact, WAC members dissatisfied with public participation to that point in the planning process, came to demand the full MFP and maps in order to facilitate public participation. The BLM in no way initiated the meeting. Single copies of the MFP were not available upon request, as required by planning regulations. Only the intercession of County Commissioners succeeded in making copies of the MFP available to the public in any place other than the Miles City District Office.

SUMMARY OF COMMENTS

Many of the comment summaries do not accurately reflect comments made. BLM representatives did not explain why agricultural resources are not considered in BLM planning. The MFP Summary also fails to respond to this issue. Instead, public comments concerning the appropriate scope of BLM planning are simplistically characterized as "concern for the farm-ranch lifestyle". This gives a misleading impression, because it implies a less than complete understanding of BLM planning on the part of the public.

The MFP Summary statement, at page C-5, that MAPO believes the BLM recommendations would be for "no mining" if planning assessments were done to MAPO specifications inaccurately represents the opinions stated. MAPO's concern is, and has been, for decent multiple use planning, which cannot occur without an assessment of the current,

predominant use of the surface--agriculture. While it is true that MAPO and NPAC believe a satisfactory land use plan might have resulted in different land use decisions than those contained in the MFP, the comments that MAPO and NPAC have made have addressed planning issues directly. This is not reflected in the comment summary noted above.

The concern expressed about the impacts of mining on groundwater, noted at page C-7, has not been addressed in BLM planning, despite the statement in the Summary analysis.

While the BLM "explained" that reclamation will be assessed in the Environmental Assessment process (page C-7), public comment on the reclamation question also addressed the placid assumptions in reclamation assessments that have been made already by the BLM--in the URA's and the MFP. The general thrust of these assessments is that the land must be reclaimed by law, even it will be reclaimed. NPAC, MAPO, and others challenged such assumptions during public meetings. BLM's responses, at the public meetings and in the MFP summary, has consisted of passing the buck to later steps of the planning process.

The discussion of the absence of maps in the brochure understates the problems involved (see page C-7). The omission made it impossible to understand any of the recommendations relating to geographical areas--that is, which areas were acceptable for further consideration for leasing, where the unsuitability criteria had been applied, and

most other recommendations in the MFP. (Contrast this with the description of the problem in the Summary.) No maps were generally available for study by private citizens until after the MFP was completed and signed by the State Director.

MAPO's written comments on Step 2 of the MFP are incompletely analyzed in the Summary (cf. MAPO's Comments on the Draft Redwater MFP). In response, the Summary obliquely rebuts MAPO's contention that the summary brochure failed to meet specified requirements. The Summary contends that the brochure was not subject to those requirements. Even if this is true, the rebuttal tacitly admits that BLM's public participation efforts have been more perfunctory than sincere. It implicitly asserts that BLM decisions do not have to be either understandable to the public or subject to change because of public input.

The BLM's response to MAPO's comments refer to the regulatory confusion surrounding the development of this document. As Tom Breitbach stated in his testimony in Glendive, NEPC and MAPO sympathize with the problems experienced by the BLM because of this confusion. We believe that such confusion is yet another reason for the BLM to undertake a Resource Management Plan, which would not be subject to similar problems.

The multiple-use analysis in the minerals section of the MFP, which is inexplicably ignored in the Summary, contains statements for each NEPCA which state, "Within this coal field there are some

[x] acres of rangeland and [x] acres of cropland which would be affected if the coal resource was completely developed". This is the only comment or reference to agriculture on private surface which even hints that there might be a multiple-use conflict between stripmining and agriculture. Just what is meant by the term, "affected", is unclear. Other statements in the MFP liken the effect of stripmining on veteraned to that of farming, blandly discuss "temporary diminished AUM's" because of mining on the assumption that reclamation will pose no difficulties, and generally gloss over the obvious and serious conflicts between agriculture and stripmining. The MFP's lack of consideration of alternative land uses and multiple use principles is bad enough, standing alone. But coupled with inaccurate and biased analyses of the impacts of stripmining, such as those mentioned above, the systemic defects of this MFP can only be interpreted as resulting from the fact that the MFP is a coal-use plan, not a land use plan.

The defects described above, and those discussed in oral testimony at the hearings in Glendive, are pervasive and deeply rooted in the planning process. The best method of correcting these defects is to develop a Resource Management Plan for the Redwater Area, as the testimony of Tom Breitbach and others has already suggested. An RMP would be developed under the clear guidelines of FLPMA and the regulations implementing FLPMA and the Federal Coal Program.

Briefly described, the FLPMA regulations now finalized require land use plans to include, among other things:

- 1) The principles of multiple use and sustained yield;

- 2) Consideration of the present and potential uses of the land;
- 3) Consideration of the impact of decisions made on the adjacent non-Federal lands and on private surface over Federal coal;
- 4) Consideration of alternatives to the decisions made;
- 5) Consideration of long-term vs. short-term benefits and detriments of decisions made;
- 6) Provision for compliance with pollution control laws;
- 7) Early and frequent public participation, including use of the information and suggestions provided;
- 8) Identification of issues and development of planning criteria, with public input, before planning begins;
- 9) Analysis of the management situation, including cost-benefit analysis of different approaches and development of critical threshold levels;
- 10) Formulation of alternatives, including a range of possible decisions and an estimation of the effects of those alternative decisions; and
- 11) The incorporation of an Environmental Impact Statement.

Use of the planning criteria required for Resource Management Plans could eliminate the objections that have been raised thus far in regard to the Redwater planning effort. In particular, the opportunity for identification of issues and the existence of a clear, constant, and sound set of planning regulations will eliminate the confusion that has plagued efforts of the BLM and the public towards realizing meaningful public involvement in the planning process.

The FLPMA regulations (CFR 1601.8) and Federal Coal Program regulations (CFR 3426.1-3e) pertinent to the transition period, and therefore to this MFP, contain several major requirements. The land use plan must incorporate the principles of multiple-use and sustained yield. It must consider a range of present and potential uses in accordance with these principles. It must reflect available, relevant data commensurate with anticipated conflicts, and discuss the likely levels of conflicting uses. It must develop and analyze alternative proposals for multiple resource use. It must analyze the significance of values that would be affected by decisions. And the plan must be formulated with the opportunity for public participation. In addition, the plan must apply the unsuitability criteria and surface owner consultation to the coal areas.

The Redwater MFP does not incorporate the principles of multiple use or sustained yield to the federal coal lands under private surface, although this is the most critical part of the planning area. It does not consider a range of present and potential uses for such split-estate lands. In some cases, available relevant data was ignored (in particular, local agricultural data was ignored). It does not develop or analyze alternative multiple resource uses on split estate lands. It does not analyze the significance of agricultural values that would be affected by the decisions made, beyond the enumeration of acreage that would be potentially affected and the meaningless statement that such values are "recognized". This "recognition" is not subject to further elaboration, documentation, or qualification.

Public participation in the formulation of the plan has been frustrating and unsatisfactory for NRMC, MAPO, and other groups and citizens, and has not in any way affected the plan or decisions in the plan.

The suitability criteria were applied, but with a negligible amount of data (cf. testimony of Lyle Quick) and without consideration of information provided by citizens (cf. testimony of Tom Breitbach). Finally, the surface owner consultation process has been rife with problems, as discussed above, and did not result in even the smallest change in the acreage found acceptable for further consideration for coal leasing.

In short, the Redwater MFP falls far short of the requirements mandated by FLPMA and the Federal Coal Program. In addition, a substantial amount of data which, ideally, should be the basis for land use decisions, remains to be collected. In view of the confusion over applicable regulations, and the gravity of the decisions involved, NRMC and MAPO believe that a Resource Management Plan should be prepared as a basis for any necessary coal leasing, rather than using the MFP for this purpose.

While some of these comments and testimony presented at the hearing have identified specific flaws and suggestions for improvement of the MFP, most of the comment has been directed at the obvious deficiencies of the document. Our suggestion, that an RMP be initiated, would correct these deficiencies. It is not possible to provide, in a few short weeks of comment period, data which

the BLM could not provide after several years. It is also difficult to identify all the errors in information presented in the MFP. Testimony and written comment has given representative samples of these errors.

"Multiple use" and "sustained yield" should appear in other portions of the MFP besides the Glossary. Testifying at a recent House subcommittee oversight hearing on FLPMA, Assistant Secretary Martin and BLM Director Gregg emphasized repeatedly and properly the importance of multiple use and sustained yield. In particular, they pointed out the vital role these concepts had to play in view of the broad issues of energy development in the West.

Mr. Gregg said that these principles--in conjunction with another vital planning process, public participation--were mandatory if BLM decisions preliminary to coal development were to be acceptable to local citizens in the affected areas. Without the principles and practice of multiple use, sustained yield, and public participation, Gregg said, subsequent development will not be accepted by the public, just as past plans, based on a single resource (coal) were not accepted.

We urge the BLM to begin a Resource Management Plan for the Redwater Area at once. In fact, such a plan (the "Big Dry" RMP) is already underway for an area which covers the Redwater area. It should, in fact, be the plan for all resources in the planning area.

We look forward to working with the BLM in formulating an RMP for all resources in the area. Such an effort would be the most productive course for all concerned, and would eliminate needless

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haggling over the inadequacy of the Redwater MFP.

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RESPONSE TO NORTHERN PLAINS RESOURCE COUNCIL COMMENTS

The Northern Plains Resource Council (NPRC) and the McCone Agricultural Protection Organization (MAPO) jointly submitted written comments on the NFP. They stated these comments supplement the oral testimony given at the November 13 hearing in Glendive, especially the testimony of Helen Walker, Lois Quirk, Tom Breitbach, Charlie Varner, and John Brown.

853 The Subwater NFP is a multiple use plan for public resources. BLM administers very limited surface lands in the area but has responsibility for management of considerable mineral estate, therefore, more attention is given to coal, a major public resource in the planning area. However, the impacts on other resources will be evaluated prior to leasing, if needed.

854 The Miles City District initiated planning in the area in 1976 in accordance with a long range land use planning schedule for the BLM in Montana. County planners were invited to participate at that time and have been kept advised of progress since then. Gosson and Richard County planners have availed themselves of this information for planning purposes. The same information has been available to McCone and Wibaux Counties but very little contact with them has followed.

855 Surface owner views are not binding or permanent. Therefore no areas were deleted as the result of the process. BLM did not adjudicate surface owners' qualifications at this early stage in the

planning process and did not do an extensive search for existing leases. The views process serves to inferentially show areas where people favor or oppose coal mining. Since formal consent is required before any leasing of Federal coal, BLM considered it premature to delete areas because of negative surface owner views.

856 The multiple use analysis is done in the Step 2 NFP. The NFP summary states the decisions reached in the NFP which are the result of the multiple use analysis. A copy of the entire NFP narrative is on file with the McCone and Wibaux county commissioners for public review. The complete NFP is available for review at the Miles City District Office.

857 Numerous public meetings have been held in the Planning Area. The BLM planning process has been explained. Overlays, unit resource analyses (URAs), and the NFP have always been available at the public meetings, as have individual specialists to explain them. Useful resource information has been gained from some people attending the meetings. BLM did not, however, always change its plan as the result of opinions expressed by people who attended the meetings.

858 BLM did not propose to do an intensive inventory of agriculture on the whole planning area in the NFP process. This analysis can be better done on specific areas when and if any areas are delineated for proposed leasing at later stages in the planning. BLM did not believe it would be time or cost effective to intensively inventory

the agriculture in the whole area when only a portion of the coal areas may ever be needed for coal development. In the absence of a leasing target, it is not feasible to predict the number of acres or yields that would be temporarily affected by mining (other than the total). It is also not possible to quantify the employment/population increases and the potential impact on lifestyle without some idea of probable mine sizes, and uses, mine locations, etc.

859 Without proposals for quantities of coal or uses for that coal it is not feasible to determine the location, kind or magnitude of expected impacts.

860 As indicated on page 5a of the Subwater Summary, the views given by the surface owner concerning leasing are not binding and can be changed. BLM is aware that its decision did not meet with unanimous approval, however, the decision to further consider these lands in the planning process did not deprive any surface owner of his right to refuse consent.

861 Decisions referred to on page 5a are coal decisions and not multiple use decisions on public surface. Multiple use decisions begin on page 45 in the Subwater summary.

862 BLM has a responsibility to evaluate the potential of all public resources. The level of coal planning done for public coal resources at this stage is necessary to determine where future intensive

planning efforts should or should not be undertaken. BLM did not adjudicate qualifications of surface owners during this stage of the planning process. Some existing surface leases were not recorded in the county courthouse and some surface owners submitted negative views but have outstanding surface agreements with a coal mining company. At this stage of the planning, BLM is considering the coal resources on a regional basis. During the activity planning and environmental assessment stages, areas found to be unsuitable for other reasons will be eliminated.

863 Neither production targets nor quotas of any kind for coal have been allocated to the planning area, therefore we have no reassessment of the capability of the resources to meet the Secretary's program, only the charge to assess the resource.

864 BLM has no record of information on sharpshail grouse lake ever being furnished by Mr. Breitbach. Subsequent to his 11/15/79 testimony, Mr. Breitbach was contacted and the location of the sharpshail lake are recorded for future reference. General comments on the planning system from Mr. Breitbach were considered.

865 The Glasgow Regional office of the Fish, Game and Parks Department was left off the mailing list. That error has been corrected. Coordination with both Regions 6 and 7 of the Montana Fish, Game and Parks was maintained during development of the planning documents. (See public participation file.) Available information has been exchanged and corrections have been made.

866 BLM is aware of the importance of agriculture in the area. That conflict was flagged to be dealt with when and if specific leasing proposals are made during the activity planning and environmental analysis processes. The announcement of a synthetic fuels program by the President increases the potential for development of lignite in the Redwater area as well as other U.S. coal regions where lignite occurs. There is sufficient lignite found in the Redwater Area to warrant further consideration for development and possible on-site conversion.

867 BLM was attempting to portray the extent of negative and positive surface owner views in each ANMCA. "Affected" in this instance denotes areas where negative surface owner views were received.

868 The Yellowstone and Redwater Valleys were identified as preliminary alluvial valley floors (AVF's). Due to lack of data, scale of map and level of detail needed to make final determinations of AVF's, the possible areas were noted so that final determination of areas included can be made prior to any coal leasing that might occur.

869 The intent was to convey that negative surface owner views were received on 31.2% of the acreage overlying high and moderate interest Federal coal.

870 Paragraph 3, page 61 refers to the fact that in some instances more than one unsuitability criterion applied to the same area. The

intent was to show an accurate tabulation of the acreage eliminated by each criterion and the cumulative impact of all criteria.

871 The buffer extended to the nearest subdivision boundary line outside the boundary of the high and moderate coal areas. Presumably the coal boundary could shift as better information becomes available, so it is reasonable to add the buffer around the coal. Also those people living adjacent to a possible mine would be affected and their views need to be considered.

872 Class IV lands are marginal for farming and require special management practices to prevent erosion and maintain their productivity. BLM does not consider it advisable to promote crop production on BLM lands which are marginal for that purpose and are better suited for grazing.

873 BLM applies the same protection stipulations for exploration on private surface over Federal minerals as on Federal surface and minerals.

874 Forest products are a resource which BLM has both direction and authority to manage on all public surface. Where private resources overlie Federal coal, BLM has the responsibility to inventory all resources in order to assess impacts from potential coal development. A site specific analysis will be developed, including assessment of agricultural and forest resources, during the activity planning

phase to facilitate the environmental assessment and tract ranking processes. Also, reclamation in Montana presently must be accomplished with native species, therefore, the forest resource overlying Federal coal must be inventoried to identify that resource.

875 There are no designated (refer to Criterion #17) municipal watersheds in any of the ANMCA's in the Redwater planning area.

876 The multiple use watershed decision referred to is on public surface lands for public resources not on private lands for private resources. The issue referred to is one which would necessarily be addressed on a site specific basis by the Office of Surface Mining and the State of Montana in any mining and reclamation plan application.

877 See Watershed objective 3. Multiple use decisions made are for public surface lands. In accordance with Federal coal management policy regulations, watershed protection on private surface lands overlying Federal coal is a subject to be addressed in the activity planning and environmental assessment stages of the planning process.

878 Wildlife decision 3.1 is to perform necessary site specific inventory work before any development is undertaken. The information needed to make this level of decision was adequate. Since there are no site specific proposals, it does not seem appropriate to expend large amounts of manpower and money on an inventory for an

area which may never be proposed for coal development. With decision 3.1, BLM has the vehicle to do the inventory when and if necessary.

It should be emphasized that no decision in the NMP makes "billions of tons of coal available for leasing". Minerals Decision 3.1 through 1.6 do determine which Federal coal is acceptable for further consideration for leasing.

879 Wildlife decision 3.1 is for the purchase of high value lands for wildlife regardless of any coal development that may occur. As an example, land adjacent to the Elk Island NP was identified as one of these areas and has nothing to do with coal development. Coal related wildlife impacts can be anticipated in the event of coal development, however, the magnitude of the impacts and mitigative measures would necessarily be developed prior to approval of any mining plan.

880 Cultural resources are public resources which the BLM is mandated by law to protect. An inventory of these resources on any area proposed for development is necessary to develop mitigative measures.

881 Decisions pertaining to Paleontology are set forth on page 70 of the NMP Summary.

882 As this stage of the planning the BLM did not adjudicate the qualifications of surface owners. However, coal companies and

other governmental agencies were notified and views solicited strictly for information purposes. Their responses were not tabulated as a qualified surface owner in favor or opposed to leasing.

- 163 The Montana State Office and the Miles City District Office have interpreted available guidance to indicate that analysis "areas" will normally be known recoverable coal resource areas or coal fields. A firm percentage number for determination of "significant numbers of surface owners opposed to leasing" has not been established. Several factors must be considered in determining significant numbers, some of which are:

- (a) Actual number of adverse comments;
- (b) Acreage included under adverse comments;
- (c) Percentage of federal coal in the total area;
- (d) Distribution pattern of federal coal;
- (e) Distribution pattern of adverse comments;
- (f) Location and number of existing federal leases;
- (g) Location and number of preference right leases;
- (h) Location and number of private and state coal leases; and
- (i) Location and number of surface lease agreements on lands over federal coal.

- 164 Private mineral estate was not included in the calculations. In a few instances private minerals were inadvertently included in legal descriptions, however, these were corrected in our tabulations.

acre figure referred to was found to be in error and has been corrected to 85,240 acres. The 55,240 acre figure was used in calculations shown in Table 8 of the summary. The 64,160 acre figure was not used in any calculations and had no influence on percentages of surface owners for or against leasing.

The 604 figure quoted (in the NPS letter) only compares those surface owners who responded.

- 165 In this instance it appears that an unqualified surface owner was consulted and the views were included in the final tabulations. White River Coal Company is one of 219 or 0.5% of owners consulted in the Burns Creek - Thirteen Mile Creek KECNA and owns approximately 687 acres. This amounts to approximately 0.6% of the acreage described in the surface owner consultation letters sent to landowners in the KECNA.

- 166 According to the McCone County courthouse record, Charles Yarger was not a surface owner of record over high and moderate federal coal in the Circle KECNA. The consultation letter for the tract Charles Yarger indicated was involved was sent to D. M. Officer, c/o Robert Yarger, in accordance with the courthouse record. Following testimony received at the November 15, 1979, hearing, Charles Yarger was contacted concerning the Officer tract. He stated that the November 1978 consultation letter sent by certified mail c/o Robert Yarger had been received and the response had been

Table 6, page 63 was calculated using acreages of parcels legally described in the surface owner consultation letters. A buffer zone of approximately 1/2 mile or to the nearest legal subdivision was included in these letters and included in the calculations shown in Table 6. Table 8, page 64 was developed using precise acreage calculations of high and moderate coal occurrence by ownership.

The 30,792 acres of federal coal covered by negative surface owner views in Circle KECNA is a precise acreage figure. It is the actual high and moderate interest federal coal covered by negative surface owner views as displayed on the Surface Owner Views map in the Miles City District Office and reproduced at a smaller scale on page 18 in the NPS Summary.

Negative surface owner views for 31,840 acres in the Circle KECNA response analysis referred to in the NPS include views for both lands in legal descriptions in the original surface owner consultation letters and lands described in the buffer zone.

The main difference between the two tables is that Table 8 was developed using the boundary of coal occurrence while Table 6 was developed using legal land descriptions. The two acreages do not coincide because actual coal occurrence does not follow legal boundaries.

The acreage of 85,240 is the most precise measurement of high and moderate interest federal coal in the Circle KECNA. The 64,160

mailed to the Miles City District Office. That response was never received by the Miles City District Office, however. A subsequent consultation letter was delivered to Charles Yarger on December 20, 1979. When the response is received by NPS, the views on the Officer tract will be recorded and considered in future planning efforts. Helen and Gordon Waller and Glen Waller were mailed consultation letters; they all responded and their views are recorded correctly. Response forms are filed in the Miles City District Office and are available for inspection.

- 167 As indicated on page 54 of the *Rebuttal Summary*, the views given by the surface owners concerning leasing are not binding and can be changed. BLM is aware that our decision did not meet with unanimous approval; however, the decision to further consider these lands in the planning process did not deprive any surface owner of his right to refuse consent.

- 168 BLM sent no letter asking anyone to reconsider their views on leasing. BLM would very much like to see that letter and to see who signed it.

- 169 Appendix C is a summary of the major efforts the BLM undertook to provide the public the opportunity to have input into the planning process. It is not a full accounting of all comments made by all resource specialists and others involved during the course of the planning project, nor is it an evaluation of the success of the

public participation effort. Documentation of additional public participation process is available in the district files for inspection by interested parties. In those files also are records of news releases and advertisements sent to local and regional newspapers, radio and TV stations which serve the communities in the Redwater planning area concerning the various meetings, open houses, etc. Also in the records are lists of some 900 persons who were mailed information brochures and the Redwater MFP summary. Approximately 600 people were also asked for their views as surface owners.

The large volume of the MFP narrative and supporting documents (some 1000 pages) and approximately 250 3' x 4' plastic map overlays needed for detailed review of the entire MFP made it impractical to have single copies available upon demand. As an alternative, the MFP summary was developed and made available to interested persons and people affected by the plan.

The complete set of planning documents and map overlays have always been available for inspection at the Miles City District Office and at public meetings held concerning the MFP. On April 6, 1979, at the request of the McCone County Commission, copies of the Circle and Richland-Glendale OMA's and the Redwater PMA and draft MFP narratives were copied and sent to the McCone County Commission for public review. On September 1, 1979, a copy of the proposed final MFP was sent to the McCone County Commission.

Intensive study if needed. We simply do not have or need sufficient information to make final alluvial valley floor (AVF) determinations at this time. This issue will be thoroughly explored when and if specific proposals are made as the result of future coal activity planning.

492 Numerous laws and regulations require proof of reclamation before mining can take place. This fact cannot be ignored. Adequate information must be available when decisions on reclamation for specific sites are made. Since the reclamation criterion was deleted from the final criteria, and since reclamation is the responsibility of the State and OSM, BLM chose not to preserve this concern with existing information.

494 The information brochure did not contain maps. It was designed to give an overview of the draft recommendations and to interest people in attending the open house meetings to look at the maps and overlays and narratives available. Very few people, including MPO and MPRC representatives, looked at any of the information except those overlays showing the unsuitability and surface owner consultations.

495 BLM understands and recognizes that the planning process used is somewhat complex and was further complicated by changes made in the procedures while developing this MFP. The final products do, however, conform to requirements set forth in the Land Use Planning and Coal Management regulations.

On June 1, 1979, the Wilbur OMA and the Redwater PMA and MFP were sent to the Wilbur County Commission for public review. On July 18, 1979, as agreed with the Wilbur Area Council, the BLM also furnished a set of 35 mm slides taken of the draft MFP overlays to the Wilbur County Commission. On September 6, 1979, a copy of the proposed final MFP was sent to the Wilbur County Commissioners.

496 Numerous discussions with people at meetings have explained the planning process and how agriculture is portrayed. It has been explained numerous times that agriculture is not addressed in the same manner in the land use planning process as those public resources for which BLM has management responsibility. A general accounting of agricultural use over federal coal has been done. Detailed, site specific analysis of this use will be made during activity planning and environmental assessment as has been explained throughout this planning effort.

497 These comments were received at the April 17, 1979, meeting in Circle and are available for review at the Miles City District Office.

498 As is stated in the Summary and elsewhere, the real and potential impacts on surface and ground water is recognized and will continue to be analyzed. The MFP is one phase of the BLM planning process. Environmental assessment and resource activity plans will further analyze more specific proposals concerning coal development and water. The AVF's were flagged as probable problem areas for future

499 As previously stated, specific agricultural questions and analyses will be addressed in the Activity Planning and Environmental Assessment stages of planning and will cover specific coal development proposals. For now the question was flagged as a problem area for future analysis, if necessary.

500 Procedures for Resource Management Plans (RMP) are being developed and will be fully implemented in place due in fiscal year 1984 and beyond. In the interim we are completing MFP's in accordance with CFR 3420.1-5(c) and 1601.6 for the transition period. Available guidance on implementing the Federal Coal Program within the context of an RMP suggests that coal related decisions under an RMP or MFP will essentially be the same. An RMP for the Big Sky Resource Area has been tentatively scheduled for completion in 1990.

501 The Redwater MFP was completed prior to the effective date of the planning regulations. The BLM Washington Office recently requested a bureau-wide review of all existing MFP's for general compliance with the spirit of the new regulations (43 CFR 1601). At this stage in the planning process the Redwater MFP conforms with the above regulations and other existing planning requirements for the transition period. As previously stated a complete environmental assessment and site specific activity plans, subsequent to MFP's, would be required prior to any coal development.

999 The RUP procedure would be required in the next generation of land use plans, however, a Big Dry RUP is not presently underway and will most likely not be completed before 1975. BLM is developing three RUP's (Redwater, New Prairie and Jordan-North Redbud) as transition RUP's (see 43CFR 1601.6). Upon completion of the three RUP's, a vegetation allocation EIS is scheduled for completion on September 30, 1982.

RESPONSE TO DREYER

#100 Mr. Dreyer's comments were not adverse. They are appreciated.



ELMO DREYER, PRES.



CIRCLE, MONTANA 59215
PHONE 406-285-3865
November 29, 1979



EFFIE DREYER, INC.

Bureau of Land Management
Miles City, Montana
Development

According to the news article in the Glendive Ranger after your hearing there, about the Red Water Coal development, the information given by Lyle Welch (county commissioner) of Circle was not all true. He stated that he was speaking for the county commissioners of Mc Cone county and that they were all against coal development. After some people checked with the other two commissioners, they said that they were not aware that Lyle was testifying that way. It had not been given their approval before the hearing.

This type of testimony has been given many times by members of MAPO (Montana Agriculture Protection Organization). They are speaking for all of Mc Cone county, when they are just talking for themselves. I will bet that over 80% of the people in Mc Cone county are for development, but as usual it is the silent majority that is quiet. After many of the farmers received their last tax bill (and some jumped 235%) it has changed their mind about a tax base.

If you like you can enter this in your report.

Yours truly,
E. Lyle Welch
-Leo P.R. Dreyer

100

RESPONSE TO REYNOLDS

#101 Mr. Reynolds' comments here also not adverse and are appreciated.

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Denver, CO 80225

April 30 5 30
Blondine, MT 59330
Apr. 19, 1979 W
Bureau of Land Management
Missoula City, MT

Dear Sir:

I am writing to say a lot of the people who attended the BLM meeting in Blondine were not opposed to coal mining, with the gas & diesel fuels becoming so short in supply & so expensive, we can't afford to farm this marginal land in Montana. When you have to cultivate the land five times a summer in order to get a crop the next yr. it is not profitable many years. We should mine coal here instead of our rich land in Ohio & elsewhere.

(SW Blondine area)

Sincerely,
Robert F. Reynolds

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